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WESTERN AUSTRALIA.  
**ACTS OF PARLIAMENT.**

1st & 2nd EDWD. VII., 1901-2.



CLERK OF COURTS, CUL

ASS





THE ACTS  
OF  
THE PARLIAMENT  
OF  
WESTERN AUSTRALIA,

PASSED IN THE FIRST AND SECOND YEARS OF THE  
REIGN OF HIS MAJESTY KING EDWARD VII.,

DURING THE  
FIRST SESSION OF THE FOURTH PARLIAMENT OF WESTERN AUSTRALIA.

*(28th June, 1901, to 19th February, 1902.)*



PERTH:  
BY AUTHORITY: WM. ALFRED WATSON, GOVERNMENT PRINTER.

1902.



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## SCHEDULE.

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### 1° EDWARDI VII.

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No.

1. "*An Act to apply out of the Consolidated Revenue Fund and from Moneys to Credit of General Loan Fund the sum of One Million Two Hundred and Fifty Thousand Pounds to the Service of the Year ending 30th June, 1902.*"
  2. "*An Act to authorise the raising of a sum of Two million six hundred thousand Pounds by Loan for the construction of certain Public Works, and other purposes.*"
  3. "*An Act to impose certain Customs Duties in accordance with the provisions of the Commonwealth of Australia Constitution Act.*"
  4. "*An Act to enable certain arrangements entered into by and on behalf of the Presbyterian Churches of New South Wales, Queensland, South Australia, Tasmania, Victoria, and Western Australia, for constituting one Presbyterian Church of Australia, to be carried into effect, and to make provision with regard to the property held by, or on behalf of, or in connection with, the Presbyterian Church in Western Australia, or by any Congregation or body connected therewith, or by any person for or on behalf of the said Church, or any congregation of the said Church, and for other purposes in connection with such Church.*"
  5. "*An Act to apply out of the Consolidated Revenue Fund and from moneys to Credit of the General Loan Fund a further sum of Five Hundred Thousand Pounds to the Service of the Year ending 30th June, 1902.*"
  6. "*An Act to apply out of the Consolidated Revenue Fund and from Moneys to Credit of the General Loan Fund a further sum of Six Hundred Thousand Pounds to the Service of the Year ending 30th June, 1902.*"
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### 1° & 2° EDWARDI VII.

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1. "*An Act to apply a sum out of the Consolidated Revenue Fund and from Moneys to Credit of the General Loan Fund to the Services of the Year ending the last day of June, One thousand nine hundred and two, and to appropriate the Supplies granted in this Session of Parliament.*"
2. "*An Act to amend the 'Wines, Beer, and Spirit Sale Act, 1880.'*"
3. "*An Act to provide for the establishing of Lock-ups as Police Gaols, and to amend the law relating to Gaols, Prisons, and Houses of Correction.*"
4. "*An Act to authorise the Governor to exchange Perth Suburban Lots 270, 271, 272, and 273 for Swan Locations 118 and 119.*"

## SCHEDULE—continued.

- No.
5. "*An Act to amend the Law with respect to Compensation to Workers for Accidental Injuries suffered in the course of their Employment.*"
  6. "*An Act to confirm certain Expenditure for the year ending 30th June, One thousand nine hundred.*"
  7. "*An Act to amend the Summary Jurisdiction (Married Women) Act, 1896.*"
  8. "*An Act to amend the Land Drainage Act, 1900.*"
  9. "*An Act to confirm certain Expenditure for the year ended 30th June, One thousand nine hundred and one.*"
  10. "*An Act to confirm a Further Provisional Order to amend or vary a Provisional Order authorising the Construction of Tramways in the Municipality of Kalgoorlie.*"
  11. "*An Act for the Re-allocation of certain moneys authorised to be raised by the Coolgardie Goldfields Water Supply Loan Act, 1896.*"
  12. "*An Act for the Closing of certain Roads and Streets.*"
  13. "*An Act to authorise the Construction of a Tramway from Carnarvon to Babbage Island Jetty.*"
  14. "*An Act to establish a Code of Criminal Law.*"
  15. "*An Act to amend 'The Permanent Reserves Act, 1899.'*"
  16. "*An Act to apply out of the Consolidated Revenue Fund the annual sum of Fourteen hundred pounds for the salary of an additional Judge of the Supreme Court.*"
  17. "*An Act to repeal 'The Prawn Fishing Act, 1876.'*"
  18. "*An Act to diminish the Dangers resulting from Bush Fires.*"
  19. "*An Act to provide for the Regulation of Trade Unions.*"
  20. "*An Act to amend 'The Land Act, 1898.'*"
  21. "*An Act to amend the Law relating to the Settlement of Industrial Disputes by Conciliation and Arbitration.*"
  22. "*An Act to amend 'The Municipal Institutions Act, 1900.'*"
  23. "*An Act to amend 'The Health Act, 1898.'*"
  24. "*An Act for the Early Closing of Shops, and to regulate the Hours of Employment in Shops and other Places of Business.*"
  25. "*An Act relating to Coal Mines.*"
  26. "*An Act to confirm a Provisional Order authorising the Construction of Tramways in the Districts of the North Perth Road Board and of the Perth Road Board.*"
  27. "*An Act to provide for the Extension of the Metropolitan Waterworks, and to amend the Law relating to the same.*"
  28. "*An Act for procuring the Attendance of Witnesses before Royal Commissions.*"
  29. "*An Act to restrict the operation of the Law of Prescription respecting Access and Use of Light and Air to Buildings.*"
  30. "*An Act to prevent the use of Trading Stamps.*" [The assent of His Excellency the Governor to this Act has been temporarily withheld.]

## PRIVATE ACT.

- "*An Act to amend the Ordinance 22nd Victoria, No. 4, and the Roman Catholic Church Lands Act, 1895, and to enable the Bishop for the time being of each Diocese of the Roman Catholic Church to exercise, in respect of the Lands within his Diocese, the powers granted by the said Act.*"
-

CONTINUATION OF TABLE OF LEGISLATION  
TO 1902 (1 & 2 EDWD. VII.).

*Showing the Enactments of the Years One, and One and Two, Edwd. VII., with Notes and References to former Ordinances and Acts.*

Year.	Number.	Subject.	Notes and References.	Vol.	Page
1901	1 Edwd. VII., No. 1.	Supply, 1901-1902.			
	1 Edwd. VII., No. 2.	Loan Act, 1901-1902.			
	1 Edwd. VII., No. 3.	Customs Duties.			
	1 Edwd. VII., No. 4.	Presbyterian Church of Australia.			
	1 Edwd. VII., No. 5.	Supply, 1901-1902.			
	1 Edwd. VII., No. 6.	Supply, 1901-1902.			
1902	1 & 2 Edwd. VII., No. 1.	Appropriation, 1901-1902.			
	1 & 2 Edwd. VII., No. 2.	Wines, Beer, and Spirit Sale Act.	Applies to 44 Vict., No. 9.		
	1 & 2 Edwd. VII., No. 3.	Gaols Act Amendment Act.	Incorporated with 12 Vict., No. 7; 21 Vict., No. 12; and 58 Vict., No. 10.		
	1 & 2 Edwd. VII., No. 4.	Exchange of Lands.			
	1 & 2 Edwd. VII., No. 5.	Workers' Compensation Act.	Repeals sections 20 and 27 of 59 Vict., No. 37, and sections 13 and 14 of 63 Vict., No. 49.		
	1 & 2 Edwd. VII., No. 6.	Excess, 1900.			
	1 & 2 Edwd. VII., No. 7.	Summary Jurisdiction (Married Women) Amendment Act.	Amends section 2 of 60 Vict., No. 10.		
	1 & 2 Edwd. VII., No. 8.	Land Drainage Amendment Act.	Amends sections 2, 3, 4, 16, 18, 20, 30, 34, and 39 of 64 Vict., No. 22.		
	1 & 2 Edwd. VII., No. 9.	Excess, 1901.			
	1 & 2 Edwd. VII., No. 10.	Kalgoorlie Tramways Amendment.	Incorporated with 64 Vict., No. 43.		



Year.	Number.	Subject.	Notes and References.	Vol.	Page
1902	1 & 2 Edwd. VII., No. 11.	Coolgardie Goldfields Water Supply Loan, 1896, Re- allocation.			
	1 & 2 Edwd. VII., No. 12.	Closure of Roads and Streets.			
	1 & 2 Edwd. VII., No. 13.	Carnarvon-Babbage Island Tramway.			
	1 & 2 Edwd. VII., No. 14.	Criminal Code.	<p><i>Repeals</i> section 8 of 4 &amp; 5 Vict., No. 20; section 4 of 4 and 5 Vict., No. 22; section 8 of 6 Vict., No. 8; section 7 of 9 Vict., No. 2; section 22 of 12 Vict., No. 7; sections 10, 13, 14, 15, 17, 18, and 21 of 14 Vict., No. 6; 16 Vict., No. 5; 16 Vict., No. 6; 16 Vict., No. 8, all but sections 18, 21; sections 12 and 14 of 16 Vict., No. 9; sections 2 to 5, 8, and 10 of 16 Vict., No. 18; sections 1, 2, 3, 4, 10, 11 of 17 Vict., No. 7; sections 17, 18, and 24 of 19 Vict., No. 14; 20 Vict., No. 5; 23 Vict., No. 8; section 25 of 24 Vict., No. 7; section 21 of 24 Vict., No. 15; 29 Vict., No. 5; 32 Vict., No. 9; 32 Vict., No. 10; section 20 of 32 Vict., No. 12; sections 1, 2, and 9 of 34 Vict., No. 5; sections 46, 88, 91, and 93 of 34 Vict., No. 9; 34 Vict., No. 11; 34 Vict., No. 15; sections 7, 8, 9, 10, 14, and 15 of 34 Vict., No. 21; section 6 of 37 Vict., No. 4; section 10 of 38 Vict., No. 6; 39 Vict., No. 1; sections 32, 33, and 38 of 45 Vict., No. 7; sections 76, and 80 of 46 Vict., No. 6; sections 5, 6, 7, 8, and 9 of 47 Vict., No. 6; sections 4, 5, 6, 7, 8, 9, 10, 11, and 12 of 47 Vict., No. 8; sections 2, 3, and 4 of 48 Vict., No. 5; sections 3, 4, 5, and 6 of 48 Vict., No. 12; section 21 of 48 Vict., No. 25; 50 Vict., No. 15; section 28 of 50 Vict., No. 25; sections 2, 4 to 13 inclusive, and 18 of 52 Vict., No. 6; section 37 of 52 Vict., No. 16; section 16 of 54 Vict., No. 4; sections 34, 36, and 43 of 54 Vict., No. 12; 55 Vict., No. 6; section 2 of 55 Vict., No. 14; 55 Vict., No. 18; 55 Vict., No. 24; sections 55, 56, and 62 of 55 Vict., No. 27; sections 29, and 139 of 55 Vict., No. 32; sections 76, 182, 183, 232, 233, 234, and 235 of 56 Vict., No. 8; 56 Vict., No. 15; 57 Vict., No. 6; sections 21, 24, 25, and 26 of 58 Vict., No. 11; sections 3, 4, 5, 6, and 8 of 58 Vict., No. 12; sections 26, 48, and 49 of 58 Vict., No. 16; section 17 of 58 Vict., No. 21; section 23 of 59 Vict., No. 13; section 50 of 59 Vict., No. 24; 60 Vict., No. 8; sections 6, 7, and 9 of 60 Vict., No. 27; section 16 of 61 Vict., No. 8; section 13 of 61 Vict., No. 14; section 33 of 61 Vict., No. 27;</p>		

TABLE OF LEGISLATION—*continued.*

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Year.	Number.	Subject.	Notes and References.	Vol.	Page
1902	1 & 2 Edwd. VII., No. 14.	Criminal Code— <i>continued.</i>	section 24 of 62 Vict., No. 4; section 41 of 62 Vict. No. 10; sections 1 and 4 of 62 Vict., No. 13; section 17 of 63 Vict., No. 6; section 5 of 63 Vict., No. 8; Part IV., except section 135 of 63 Vict., No. 20; section 49 of 63 Vict., No. 45; sections 119, 120, subsection (1) of 121, 122, 123, and 124 of 64 Vict., No. 8; sections 59 and 68 of 64 Vict., No. 16; section 33 of 64 Vict., No. 22; 64 Vict., No. 29; and section 6 of 64 Vict., No. 31; amends 6 Wm. IV., No. 4; 7 Vict., No. 13; 9 Vict., No. 8; 10 Vict., No. 14; 12 Vict., No. 7; 12 Vict., No. 21; 18 Vict., No. 15; 27 Vict., No. 19; 43 Vict., No. 4; 52 Vict., No. 18; 54 Vict., No. 3; 54 Vict., No. 7; 55 Vict., No. 20; 56 Vict., No. 14; 61 Vict., No. 25; 62 Vict., No. 24; and 64 Vict., No. 19. ( <i>See also note, * page x.</i> )		
	1 & 2 Edwd. VII., No. 15.	Permanent Reserves Amend- ment.	Amends section 3 of 63 Vict., No. 24.		
	1 & 2 Edwd. VII., No. 16.	Additional Judge, Supreme Court.			
	1 & 2 Edwd. VII., No. 17.	Prawn Fishing.	<i>Repeals</i> 40 Vict., No. 2.		
	1 & 2 Edwd. VII., No. 18.	Bush Fires.	<i>Repeals</i> 49 Vict., No. 9, and 62 Vict., No. 17.		
	1 & 2 Edwd. VII., No. 19.	Trade Unions.			
	1 & 2 Edwd. VII., No. 20.	Land Act Amendment Act.	To be construed with 62 Vict., No. 37, and 64 Vict., No. 15; amends sections 5, 53, 55, 59, 68, 69, 72, 74, 78, 146, 148 of 62 Vict., No. 37, and <i>repeals</i> and re-enacts section 152 thereof; amends Schedule 34 of 62 Vict., No. 37.		
	1 & 2 Edwd. VII., No. 21.	Industrial Conciliation and Arbitration.	<i>Repeals</i> 64 Vict., No. 20.		
	1 & 2 Edwd. VII., No. 22.	Municipal Institutions Amendments.	Amends section 222 of 64 Vict., No. 8.		
	1 & 2 Edwd. VII., No. 23.	Health Act.	Amends sections 38, 118, 146, 169, 187, and 231 of 62 Vict., No. 24; and <i>repeals</i> and re-enacts sections 110 and 111.		

TABLE OF LEGISLATION—*continued*.

Year.	Number.	Subject.	Notes and References.	Vol.	Page
1902	1 & 2 Edwd. VII., No. 24.	Early Closing.			
	1 & 2 Edwd. VII., No. 25.	Coal Mines Regulation.	<i>Repeals</i> 59 Vict., No. 37, and 63 Vict., No. 49, so far as they apply to Coal Mines.		
	1 & 2 Edwd. VII., No. 26.	North Perth Tramways.			
	1 & 2 Edwd. VII., No. 27.	Metropolitan Waterworks Amendment.	<i>Repeals</i> sections 15 of 60 Vict., No. 19.		
	1 & 2 Edwd. VII., No. 28.	Royal Commissioners' Powers.			
	1 & 2 Edwd. VII., No. 29.	Light and Air Act.	<i>Repeals</i> section 3 of 2 & 3 Wm. IV., cap. 71.		
	1 & 2 Edwd. VII., No. 30.	Trading Stamps Abolition.	[The assent of His Excellency the Governor to this Act has been temporarily withheld.]		
	1 & 2 Edwd. VII., (P.A.)	Roman Catholic Church Lands.	Amends 22 Vict., No. 4, and 59 Vict. (Private Act).		

\* *NOTE*.—The following statutes of the Realm in force in Western Australia are repealed by 1 & 2 Edwd. VII., No. 14, to the extent here shown:—3 Edwd. I., cap. 9; 8 Edwd. I., cap. 26; 2 Edwd. III., cap. 3; 25 Edwd. III., St. 5, cap. 2; 5 Rich. II., St. 1, cap. 7; 32 Hen. VIII., cap. 9; 1 Edwd. VI., cap. 12; 5 & 6 Edwd. VI., c. 11; 5 & 6 Edwd. VI., cap. 16; 1 Mary Sess II., cap. 6; 1 & 2 P. & M., cap. 10; 18 Eliz., cap. 5; 13 Car. II., St. 1, cap. 5; section 7 of 31 Car. II., cap. 2; 4 W. & M., cap. 18; 7 & 8 Wm. III., cap. 3; 9 Wm. III., cap. 7; 9 Wm. III., cap. 35; 10 Wm. III., cap. 23; sections 8, 9, & 10 of 11 Wm. III., cap. 7; 1 Anne, St. 2, cap. 9, section 3; section 5 of 12 Anne, St. 2, cap. 18; section 5 of 13 Anne, cap. 21; 1 Geo. I. St. 2, cap. 5; 4 Geo. I., cap. 12; 8 Geo. I., cap. 23; section 1 of 8 Geo. I., cap. 24; 2 Geo. II., cap. 25; 9 Geo. II., cap. 5; 12 Geo. II., cap. 28; 13 Geo. II., cap. 19; sections 11 and 12 of 15 Geo. II., cap. 18; 15 Geo. II., cap. 27; 18 Geo. II., cap. 27; 18 Geo. II., cap. 30; 18 Geo. II., cap. 34; 20 Geo. II., cap. 30; 23 Geo. II., cap. 11; sections 1 & 8 of 25 Geo. II., cap. 36; 25 Geo. II., cap. 37; sections 1 to 4 of 26 Geo. II., cap. 19; 30 Geo. II., cap. 24; section 78 of 31 Geo. II., cap. 22; section 15 of 4 Geo. III., cap. 25; section 16 of 4 Geo. III., cap. 37; 7 Geo. III., cap. 50; section 6 of 9 Geo. III., cap. 30; 12 Geo. III., cap. 20; 12 Geo. III., cap. 24; 13 Geo. III., cap. 79; 18 Geo. III., cap. 18; 21 Geo. III., cap. 49; 21 Geo. III., cap. 68; 21 Geo. III., cap. 69; 22 Geo. III., cap. 58; 28 Geo. III., cap. 55; 30 Geo. III., cap. 48; section 23 of 32 Geo. III., cap. 33; 33 Geo. III., cap. 67; 36 Geo. III., cap. 7; 37 Geo. III., cap. 70; 37 Geo. III., cap. 122; 37 Geo. III., cap. 123; 39 Geo. III., cap. 79; 39 Geo. III., cap. 85; 39 & 40 Geo. III., cap. 88; 41 Geo. III., cap. 57; 42 Geo. III., cap. 119; 43 Geo. III., cap. 113; 43 Geo. III., cap. 139; 45 Geo. III., cap. 55; 45 Geo. III., cap. 129; 49 Geo. III., cap. 126; 50 Geo. III., cap. 59; 52 Geo. III., cap. 64; 52 Geo. III., cap. 104; 52 Geo. III., cap. 138; 52 Geo. III., cap. 143; 52 Geo. III., cap. 156; 53 Geo. III., cap. 160; 54 Geo. III., cap. 146; 56 Geo. III., cap. 73; 56 Geo. III., cap. 138; 57 Geo. III., cap. 6; 57 Geo. III., cap. 19; 60 Geo. III., & 1 Geo. IV., cap. 1; 60 Geo. III., & 1 Geo. IV., cap. 4; section 4 of 60 Geo. III., and 1 Geo. IV., cap. 8; sections 1 & 2 of 1 Geo. IV., cap. 92; 1 Geo. IV., cap. 102; 1 & 2 Geo. IV., cap. 88; 3 Geo. IV., cap. 33; 3 Geo. IV., cap. 114; section 5 of 5 Geo. IV., cap. 107; 6 Geo. IV., cap. 129; section 38 of 7 Geo. IV., cap. 16; 7 & 8 Geo. IV., cap. 28; 9 Geo. IV., cap. 32; 9 Geo. IV., cap. 69; 11 Geo. IV., & 1 Wm. IV., cap. 66; 4 & 5 Wm. IV., cap. 67; section 95 of 5 & 6 Wm. IV., cap. 50; sections 5 & 21 of 5 & 6 Wm. IV., cap. 62; and 7 Wm. IV., & 1 Vict., cap. 88.

*The following additions may now be made in Column 4 of the Chronological Table of Legislation. It is assumed that the Table has been already posted up to show the alterations caused by the Legislation of 64 Victoria to Act 49,—see the 1900 Volume:—*

Number.	Notes and References.
6 Wm. IV., No. 4	; amended by 1 & 2 Edward VII., No. 14.
4 & 5 Vict., No. 20	; Section 8 <i>repealed</i> by 1 & 2 Edward VII., No. 14.
4 & 5 Vict., No. 22	; Section 4 <i>repealed</i> by 1 & 2 Edward VII., No. 14.
6 Vict., No. 8	; Section 8 <i>repealed</i> by 1 & 2 Edward VII., No. 14.
7 Vict., No. 13	; Partly <i>repealed</i> by 1 & 2 Edward VII., No. 14.
9 Vict., No. 2	; Section 7 <i>repealed</i> by 1 & 2 Edward VII., No. 14.
9 Vict., No. 8	; Partly <i>repealed</i> by 1 & 2 Edward VII., No. 14.
10 Vict., No. 14	; Section 6 amended by 1 & 2 Edward VII., No. 14.
12 Vict., No. 7	; <i>See</i> 1 & 2 Edward VII., No. 3.
12 Vict., No. 7	; Section 7 amended by 1 & 2 Edward VII., No. 14.
12 Vict., No. 7	; Section 22 <i>repealed</i> by 1 & 2 Edward VII., No. 14.
12 Vict., No. 21	; Partly <i>repealed</i> by 1 & 2 Edward VII., No. 14.
14 Vict., No. 6	; Sections 10, 13, 14, 15, 17, 18, and 21, <i>repealed</i> by 1 & 2 Edward VII., No. 14.
16 Vict., No. 5	; <i>repealed</i> by 1 & 2 Edward VII., No. 14.
16 Vict., No. 6	; <i>repealed</i> by 1 & 2 Edward VII., No. 14.
16 Vict., No. 8	; <i>repealed</i> by 1 & 2 Edward VII., No. 14, except Sections 18 and 21.
16 Vict., No. 9	; Sections 12 and 14 <i>repealed</i> by 1 & 2 Edward VII., No. 14.
16 Vict., No. 18	; Sections 2 to 5, 8, and 10 <i>repealed</i> by 1 & 2 Edward VII., No. 14.
17 Vict., No. 7	; Sections 1, 2, 3, 4, 10, and 11 <i>repealed</i> by 1 & 2 Edward VII., No. 14.
18 Vict., No. 15	; Section 17 amended by 1 & 2 Edward VII., No. 14.
19 Vict., No. 14	; Sections 17, 18, and 24 <i>repealed</i> by 1 & 2 Edward VII., No. 14.
20 Vict., No. 5	; <i>repealed</i> by 1 & 2 Edward VII., No. 14.
21 Vict., No. 12	; <i>See</i> 1 & 2 Edward VII., No. 3.
22 Vict., No. 4	; <i>See</i> 1 & 2 Edward VII. (Private Act).
23 Vict., No. 8	; <i>repealed</i> by 1 & 2 Edward VII., No. 14.
24 Vict., No. 7	; Section 25 <i>repealed</i> by 1 & 2 Edward VII., No. 14.
24 Vict., No. 15	; Section 21 <i>repealed</i> by 1 & 2 Edward VII., No. 14.
27 Vict., No. 19	; Section 51 amended by 1 & 2 Edward VII., No. 14.
29 Vict., No. 5	; <i>repealed</i> by 1 & 2 Edward VII., No. 14.
32 Vict., No. 9	; <i>repealed</i> by 1 & 2 Edward VII., No. 14.
32 Vict., No. 10	; <i>repealed</i> by 1 & 2 Edward VII., No. 14.
32 Vict., No. 12	; Section 20 <i>repealed</i> by 1 & 2 Edward VII., No. 14.
34 Vict., No. 5	; Sections 1, 2, and 9 <i>repealed</i> by 1 & 2 Edward VII., No. 14.
34 Vict., No. 9	; Sections 46, 88, 91, and 93 <i>repealed</i> by 1 & 2 Edward VII., No. 14.
34 Vict., No. 11	; <i>repealed</i> by 1 & 2 Edward VII., No. 14.
34 Vict., No. 15	; <i>repealed</i> by 1 & 2 Edward VII., No. 14.

CHRONOLOGICAL TABLE—*continued.*

Number.	Notes and References.
34 Vict., No. 21	; Sections 7, 8, 9, 10, 14, and 15 <i>repealed</i> by 1 & 2 Edward VII., No. 14.
37 Vict., No. 4	; Section 6 <i>repealed</i> by 1 & 2 Edward VII., No. 14.
38 Vict., No. 6	; Section 10 <i>repealed</i> by 1 & 2 Edward VII., No. 14.
39 Vict., No. 1	; <i>repealed</i> by 1 & 2 Edward VII., No. 14.
40 Vict., No. 2	; <i>repealed</i> by 1 & 2 Edward VII., No. 17.
43 Vict., No. 4	; Section 2 amended by 1 & 2 Edward VII., No. 14.
44 Vict., No. 9	; <i>See</i> 1 & 2 Edward VII., No. 2.
45 Vict., No. 7	; Sections 32, 33, and 38 <i>repealed</i> by 1 & 2 Edward VII., No. 14.
46 Vict., No. 6	; Sections 76 and 80 <i>repealed</i> by 1 & 2 Edward VII., No. 14.
47 Vict., No. 6	; Sections 5, 6, 7, 8, and 9 <i>repealed</i> by 1 & 2 Edward VII., No. 14.
47 Vict., No. 8	; Sections 4, 5, 6, 7, 8, 9, 10, 11, and 12 <i>repealed</i> by 1 & 2 Edward VII., No. 14.
48 Vict., No. 5	; Sections 2, 3, and 4 <i>repealed</i> by 1 & 2 Edward VII., No. 14.
48 Vict., No. 12	; Sections 3, 4, 5, and 6 <i>repealed</i> by 1 & 2 Edward VII., No. 14.
48 Vict., No. 25	; Section 21 <i>repealed</i> by 1 & 2 Edward VII., No. 14.
49 Vict., No. 9	; <i>repealed</i> by 1 & 2 Edward VII., No. 18.
50 Vict., No. 15	; <i>repealed</i> by 1 & 2 Edward VII., No. 14.
50 Vict., No. 25	; Section 28 <i>repealed</i> by 1 & 2 Edward VII., No. 14.
52 Vict., No. 6	; Sections 2, 4, to 13 inclusive, and 18 <i>repealed</i> by 1 & 2 Edward VII., No. 14.
52 Vict., No. 16	; Section 37 <i>repealed</i> by 1 & 2 Edward VII., No. 14.
52 Vict., No. 18	; Section 6 amended by 1 & 2 Edward VII., No. 14.
54 Vict., No. 3	; Sections 1, 2, and 3 amended by 1 & 2 Edward VII., No. 14.
54 Vict., No. 3	; Section 5 <i>repealed</i> by 1 & 2 Edward VII., No. 14.
54 Vict., No. 4	; Section 16 <i>repealed</i> by 1 & 2 Edward VII., No. 14.
54 Vict., No. 7	; Section 12 amended by 1 & 2 Edward VII., No. 14.
54 Vict., No. 12	; Sections 34, 36, and 43 <i>repealed</i> by 1 & 2 Edward VII., No. 14.
55 Vict., No. 6	; <i>repealed</i> by 1 & 2 Edward VII., No. 14.
55 Vict., No. 14	; Section 2 <i>repealed</i> by 1 & 2 Edward VII., No. 14.
55 Vict., No. 18	; <i>repealed</i> by 1 & 2 Edward VII., No. 14.
55 Vict., No. 20	; Section 12 amended and Section 16 <i>repealed</i> by 1 & 2 Edward VII., No. 14.
55 Vict., No. 24	; <i>repealed</i> by 1 & 2 Edward VII., No. 14.
55 Vict., No. 27	; Sections 55, 56, and 62 <i>repealed</i> by 1 & 2 Edward VII., No. 14.
55 Vict., No. 32	; Sections 29 and 139 <i>repealed</i> by 1 & 2 Edward VII., No. 14.
56 Vict., No. 8	; Sections 76, 182, 183, 232, 233, 234, and 235 <i>repealed</i> by 1 & 2 Edward VII., No. 14.
56 Vict., No. 14	; Section 214 amended by 1 & 2 Edward VII., No. 14.
56 Vict., No. 15	; <i>repealed</i> by 1 & 2 Edward VII., No. 14.
57 Vict., No. 6	; <i>repealed</i> by 1 & 2 Edward VII., No. 14.
58 Vict., No. 10	; <i>See</i> 1 & 2 Edward VII., No. 3.
58 Vict., No. 11	; Sections 21, 24, 25, and 26 <i>repealed</i> by 1 & 2 Edward VII., No. 14.
58 Vict., No. 12	; Sections 3, 4, 5, 6, and 8 <i>repealed</i> by 1 & 2 Edward VII., No. 14.
58 Vict., No. 16	; Sections 26, 48, and 49 <i>repealed</i> by 1 & 2 Edward VII., No. 14.
58 Vict., No. 21	; Section 17 <i>repealed</i> by 1 & 2 Edward VII., No. 14.
59 Vict., No. 13	; Section 23 <i>repealed</i> by 1 & 2 Edward VII., No. 14.

## CHRONOLOGICAL TABLE--continued.

Number.	Notes and References.
59 Vict., No. 24	; Section 50 <i>repealed</i> by 1 & 2 Edward VII., No. 14.
59 Vict., No. 37	; <i>See</i> 1 & 2 Edward VII., No. 25.
59 Vict., No. 37	; Sections 20 and 27 <i>repealed</i> by 1 & 2 Edward VII., No. 5.
59 Vict. (P.A.)	; <i>See</i> 1 & 2 Edward VII. (Private Act—2).
60 Vict., No. 8	; <i>repealed</i> by 1 & 2 Edward VII., No. 14.
60 Vict., No. 10	; Section 2 amended by 1 & 2 Edward VII., No. 7.
60 Vict., No. 19	; Section 15 <i>repealed</i> and re-enacted by 1 & 2 Edward VII., No. 27.
60 Vict., No. 27	; Sections 6, 7, and 9 <i>repealed</i> by 1 & 2 Edward VII., No. 14.
61 Vict., No. 8	; Section 16 <i>repealed</i> by 1 & 2 Edward VII., No. 14.
61 Vict., No. 14	; Section 13 <i>repealed</i> by 1 & 2 Edward VII., No. 14.
61 Vict., No. 25	; Section 7 amended by 1 & 2 Edward VII., No. 14.
61 Vict., No. 25	; Section 17 <i>repealed</i> by 1 & 2 Edward VII., No. 14.
61 Vict., No. 27	; Section 33 <i>repealed</i> by 1 & 2 Edward VII., No. 14.
62 Vict., No. 4	; Section 24 <i>repealed</i> by 1 & 2 Edward VII., No. 14.
62 Vict., No. 10	; Section 41 <i>repealed</i> by 1 & 2 Edward VII., No. 14.
62 Vict., No. 13	; Sections 1 and 4 <i>repealed</i> by 1 & 2 Edward VII., No. 14.
62 Vict., No. 17	; <i>repealed</i> by 1 & 2 Edward VII., No. 18.
62 Vict., No. 24	; Sections 38, 118, 146, 169, 187, and 231 amended by 1 & 2 Edward VII., No. 23.
62 Vict., No. 24	; Sections 110 and 111, <i>repealed</i> and re-enacted by 1 & 2 Edward VII., No. 23.
62 Vict., No. 24	; Section 42 amended by 1 & 2 Edward VII., No. 14.
62 Vict., No. 37	; Section 152 <i>repealed</i> and re-enacted by 1 & 2 Edward VII., No. 20.
62 Vict., No. 37	; Sections 5, 53, 55, 59, 68, 69, 72, 74, 78, 146, 148, and Schedule 34 amended by 1 & 2 Edward VII., No. 20.
63 Vict., No. 6	; Section 17 <i>repealed</i> by 1 & 2 Edward VII., No. 14.
63 Vict., No. 8	; Section 5 <i>repealed</i> by 1 & 2 Edward VII., No. 14.
63 Vict., No. 20	; Part IV. except Section 135 <i>repealed</i> by 1 & 2 Edward VII., No. 14.
63 Vict., No. 24	; Section 3 amended by 1 & 2 Edward VII., No. 15.
63 Vict., No. 45	; Section 49 <i>repealed</i> by 1 & 2 Edward VII., No. 14.
63 Vict., No. 49	; <i>See</i> 1 & 2 Edward VII., No. 25.
63 Vict., No. 49	; Sections 13 and 14 <i>repealed</i> by 1 & 2 Edward VII., No. 5.
64 Vict., No. 8	; Sections 119, 120, sub-section (1) of 121, and Sections 122, 123, 124, <i>repealed</i> by 1 & 2 Edward VII., No. 14.
64 Vict., No. 8	; Section 222 amended by 1 & 2 Edward VII., No. 22.
64 Vict., No. 15	; <i>See</i> 1 & 2 Edward VII., No. 20.
64 Vict., No. 16	; Sections 59 and 68 <i>repealed</i> by 1 & 2 Edward VII., No. 14.
64 Vict., No. 19	; Sections 3 and 4 amended by 1 & 2 Edward VII., No. 14.
64 Vict., No. 19	; Sections 7 and 8 <i>repealed</i> by 1 & 2 Edward VII., No. 14.
64 Vict., No. 20	; <i>repealed</i> by 1 & 2 Edward VII., No. 21.
64 Vict., No. 22	; Sections 2, 3, 4, 16, 18, 20, 30, 34, and 39, amended by 1 & 2 Edward VII., No. 8.
64 Vict., No. 22	; Section 33 <i>repealed</i> by 1 & 2 Edward VII., No. 14.
64 Vict., No. 29	; <i>repealed</i> by 1 & 2 Edward VII., No. 14.
64 Vict., No. 31	; Section 6 <i>repealed</i> by 1 & 2 Edward VII., No. 14.
64 Vict., No. 43	; <i>See</i> 1 & 2 Edward VII., No. 10.



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A C T S

OF THE

SESSION OF 1901-2,

1<sup>o</sup>, AND 1<sup>o</sup> & 2<sup>o</sup> EDWARDI VII.

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## Western Australia.

ANNO PRIMO

## EDWARDI VII. REGIS.

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No. I.

AN ACT to apply out of the Consolidated Revenue Fund and from Moneys to Credit of the General Loan Fund the sum of One Million Two Hundred and Fifty Thousand Pounds to the Service of the Year ending 30th June, 1902.

*[Assented to, 15th July, 1901.]*

MOST GRACIOUS SOVEREIGN,—

**W**E, Your Majesty's Most Dutiful and Loyal Subjects, the Members of the Legislative Assembly of Western Australia, in Parliament assembled, towards making good the Supply which we have cheerfully granted to Your Majesty in this Session of Parliament, have resolved to grant unto Your Majesty the Sum hereinafter mentioned; and do, therefore, most humbly beseech Your Majesty that it may be enacted: And be it enacted by the King's Most Excellent Majesty, by and with the advice and consent

Preamble.

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*Consolidated Revenue—Application.*

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consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Issue and application  
of £1,250,000.

1. THERE shall and may be issued and applied for or towards making good the supply granted to His Majesty for the Service of the year from 1st July, 1901, to 30th June, 1902, the sum of Seven Hundred and Fifty Thousand Pounds out of the Consolidated Revenue Fund, and Five Hundred Thousand Pounds from moneys to credit of the General Loan Fund; and the Treasurer of Western Australia is hereby authorised and empowered to issue and apply the moneys authorised to be issued and applied.

Sum available for  
purposes voted by  
the Legislative  
Assembly.

2. THE said sums shall be available to satisfy the Warrants under the hand of the Governor, under the provisions of the law now in force, in respect of any Services voted by the Legislative Assembly during the financial year ending 30th June, 1902.

In the name and on behalf of the King I hereby assent  
to this Act.

ARTHUR LAWLEY, Governor.



## Western Australia.

ANNO PRIMO

## EDWARDI VII. REGIS.

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No. II.

AN ACT to authorise the raising of a sum of Two million six hundred thousand Pounds by Loan for the construction of certain Public Works, and other purposes.

[Assented to, 2nd August, 1901.]

**W**HEREAS it is expedient to authorise the raising, by way of Loan, of certain sums of money amounting in all to Two million six hundred thousand pounds for the several purposes hereinafter mentioned: Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Preamble.

1. THIS Act may be cited for all purposes as the Loan Act, 1901.

Short title.

2. IT shall be lawful for the Governor, from time to time, to raise by way of Loan such several sums of money, not exceeding in the whole the sum of Two million six hundred thousand pounds, as may be required for the several works and purposes mentioned in the Schedule to this Act.

Power to raise money for certain purposes.

*Loan Act, 1901.*

Sums raised, how to  
be applied.

3. ALL sums by this Act authorised to be raised shall be paid to the Colonial Treasurer, and shall be by him placed to the credit of an account to be called The General Loan Fund, and shall be applied by the Colonial Treasurer to the purposes set forth in this Act, in such amounts and manner as the Governor by any warrants under his hand may from time to time authorise and direct, in conformity with the annual Estimates of the expenditure of Loan moneys sanctioned by Parliament.

Contribution to  
Sinking Fund.

4. THE contributions to the Sinking Fund for the repayment of the sum by this Act authorised to be raised shall commence four years from the date of the first issue of the Debentures or Inscribed Stock.

Principal and  
interest charged on  
Revenue.

5. THE principal moneys and interest raised and secured by the Stock to be created and sold, under the authority of this Act, shall rank *pari passu* with the principal moneys and interest raised and secured by the Stock created and sold under the Loan Act, 1891, and all subsequent Loan Acts, and are hereby charged upon and shall be payable out of the Consolidated Revenue Fund and Assets of the Government of Western Australia, and shall constitute a charge thereon, subject to the prior charges mentioned in the fourth section of the Loan Act, 1891.

Advances on  
account.

6. THE Governor may from time to time, by warrant under his hand, authorise the Colonial Treasurer to advance and apply, to the purposes set forth in the Schedule of this Act, any sums of money not exceeding in the whole the sum hereby authorised to be raised, and any sums of money so advanced and paid shall be retained by the Colonial Treasurer out of any moneys coming to his hands under the authority of this Act.

In the name and on behalf of the King I hereby assent  
to this Act.

ARTHUR LAWLEY, Governor.

*Loan Act, 1901.*

## THE SCHEDULE.

	Item.	Total.
<b>RAILWAYS AND TRAMWAYS.</b>		
	£	£
1. Boulder-Brown Hill Loop Line (second and final instalment), Construction ... ..	17,000	
2. Menzies-Leonora Railway (second and final instalment), Construction ... ..	83,700	
3. Geraldton to Murchison Goldfields Railway (Cue-Nannine), Construction ... ..	60,400	
4. Additions and Improvements to Opened Railways ...	159,000	
5. Rails and Fastenings ... ..	265,000	
6. Rolling Stock ... ..	742,000	
7. Railway Workshops (Midland Junction) ... ..	159,000	
8. Surveys—New Lines ... ..	10,600	
		1,496,700
<b>HARBOUR AND RIVER IMPROVEMENTS.</b>		
9. Fremantle Harbour Works, including Wharf Sheds ...	243,000	
10. Fremantle Dock and Slip ... ..	10,600	
11. Carnarvon Harbour Works ... ..	4,200	
12. Albany Harbour Works ... ..	26,500	
13. Improvements to Harbours and Rivers ... ..	10,600	
14. Lighthouses ... ..	21,200	
		316,100
<b>COOLGARDIE WATER SUPPLY.</b>		
15. Coolgardie Water Supply (refund of previous re-appropriation) ... ..	...	488,700
<b>DEVELOPMENT OF GOLDFIELDS AND MINERAL RESOURCES.</b>		
16. Eastern Goldfields ... ..	21,200	
17. Murchison and Peak Hill Goldfields ... ..	12,700	
18. Pilbarra Goldfields ... ..	6,400	
19. Development of Mining ... ..	15,900	
20. Erection of Public Batteries ... ..	21,200	
		77,400
<b>DEVELOPMENT OF AGRICULTURE.</b>		
21. Development of Agriculture, including Drainage ...	...	21,200
<b>IMMIGRATION.</b>		
22. Immigration ... ..	...	3,200
<b>DEPARTMENTAL.</b>		
23. Departmental ... ..	...	95,400
<b>MISCELLANEOUS.</b>		
24. Discounts on Current Loans (to be distributed as may be necessary over items in Loan Schedules), in order to produce, in cash, the amounts therein allocated ... ..	...	101,300
Grand Total ... ..	...	2,600,000





## Western Australia.

ANNO PRIMO

EDWARDI VII. REGIS.

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No. III.

AN ACT to impose certain Customs Duties in accordance with the provisions of the Commonwealth of Australia Constitution Act.

[Assented to, 9th October, 1901.]

**W**HEREAS by the ninety-fifth section of an Act of the Imperial Parliament of Great Britain made and passed in the 63rd and 64th years of the reign of Her late Majesty Victoria, Chapter 12, entitled the Commonwealth of Australia Constitution Act, it is provided, amongst other things, that, notwithstanding anything in the said Act contained, the Parliament of Western Australia may, during the first five years after the imposition of uniform duties of Customs, impose certain duties of Customs on goods passing into Western Australia and not originally imported from beyond the limits of the Commonwealth: And whereas the Federal Commonwealth of Australia was established on the first day of January, 1901: And whereas uniform duties of Customs have been imposed by the said Commonwealth: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative

Preamble.



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*Customs Duties.*

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Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Certain Customs  
duties of Western  
Australia to  
continue in force.

1. THE duties of Customs in force in Western Australia at the date immediately preceding the imposition of uniform duties of Customs under the Commonwealth of Australia Constitution Act, so far as they relate to goods passing into Western Australia, and not originally imported from beyond the limits of the Commonwealth, are hereby re-imposed, and shall continue in force, subject to the provisions of section ninety-five of the said Act.

In the name and on behalf of the King I hereby assent  
to this Act.

ARTHUR LAWLEY, Governor.



## Western Australia.

ANNO PRIMO

EDWARDI VII. REGIS.

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No. IV.

AN ACT to enable certain arrangements entered into by and on behalf of the Presbyterian Churches of New South Wales, Queensland, South Australia, Tasmania, Victoria, and Western Australia for constituting one Presbyterian Church of Australia, to be carried into effect, and to make provision with regard to the property held by, or on behalf of, or in connection with, the Presbyterian Church in Western Australia, or by any Congregation or body connected therewith, or by any person for or on behalf of the said Church, or any Congregation of the said Church, and for other purposes in connection with such Church.

*[Assented to, 9th October, 1901.]*

WHEREAS the Presbyterian Church of New South Wales, the Presbyterian Church of Queensland, the Presbyterian Church of South Australia, the Presbyterian Church of Tasmania, the Presbyterian Church of Victoria, and the Presbyterian Church in

Preamble.

*Presbyterian Church of Australia.*

in Western Australia have resolved to unite and form one Presbyterian Church, to be called the Presbyterian Church of Australia, upon the terms contained in the Scheme of Union set forth in the Schedule to this Act: And whereas by an Act of the Legislative Council of Western Australia, passed in the forty-eighth year of the reign of her late Majesty Queen Victoria, numbered twenty, it was provided that certain properties of the said Presbyterian Church of Western Australia should be held in the manner in the said Act provided: And whereas it is expedient that the said union should be effected upon the terms contained in the said Scheme of Union: And whereas the assent of the Parliament of Western Australia is necessary to effect this object: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows, that is to say:—

Short title.

1. THIS Act shall be called, and may for all purposes be cited as, the Presbyterian Church of Australia Act, 1901.

Commencement of Act.

2. THIS Act shall not come into operation until—

Schedule.

(a.) The Moderators of the General Assemblies of the Presbyterian Churches of New South Wales, Queensland, South Australia, Tasmania, Victoria, and Western Australia sign a deed poll declaring that the said Churches have agreed to unite upon the terms of the Scheme of Union set forth in the Schedule hereto; and

(b.) The Parliament of each of the States of New South Wales, Queensland, South Australia, Tasmania, and Victoria has passed an Act giving effect to the said Scheme of Union; and

(c.) A notice that such union has taken place, and such Acts have been passed, signed by the Moderator of the General Assembly of the Presbyterian Church in Western Australia, has been published in the *Government Gazette*.

The production of a copy of the *Government Gazette* containing such notice, and purporting to be signed by such Moderator, shall be conclusive evidence that the requirements of this section have been duly complied with.

Properties to be held subject to Scheme of Union.

3. UPON the coming into operation of this Act, notwithstanding anything contained in the said Act numbered twenty or in any deed, declaration, or statement of trust, all hereditaments, estates, and temporal privileges, and all equitable rights belonging to

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*Presbyterian Church of Australia.*

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to the Presbyterian Church in Western Australia, and the congregations thereof, or held on behalf of or in connection with such Church and congregations or bodies connected therewith, in this section called properties of the Church, shall be held subject to the provisions of the said Scheme of Union. All decisions of the General Assembly of the Presbyterian Church of Australia, or the Judicial Commission thereof, given or come to in accordance with the said Scheme of Union, shall be binding on the Presbyterian Church in Western Australia and its Judicatories, and on all congregations and members of the said Church, and on all properties of the Church. Save as aforesaid, the trusts upon which such properties of the Church respectively are held shall not be affected or varied by this Act.

4. THE standards of religious belief and of ecclesiastical government set forth in the said Scheme of Union shall be held to be the standards as well of the Presbyterian Church in Western Australia as of the Presbyterian Church of Australia, and the subordinate standard therein set forth may from time to time be altered in accordance with the provisions contained in the said Scheme of Union.

Standards of  
religious belief.

Adherence to such standards, subject to any such alteration as aforesaid, shall be required as entitling the said Presbyterian Church in Western Australia, and the congregations and office-bearers thereof respectively, to continued possession in all time coming of the hereditaments, estates, temporal privileges, and equitable rights of whatsoever nature, whether such hereditaments, estates, temporal privileges, and equitable rights have already accrued, or may hereafter from time to time accrue, to the said Presbyterian Church in Western Australia, or to any or all of the several congregations and office-bearers respectively forming the said Presbyterian Church in Western Australia.

Provided nevertheless that if any alteration is made in the said subordinate standard, any person, being a Minister or office-bearer of the said Presbyterian Church in Western Australia at the time of the making of such alteration, may continue to be a Minister or office-bearer of such Church, and to retain all his rights and privileges so long as he adheres to the standards of religious belief and ecclesiastical government set forth in the Scheme of Union, either without alteration or with such part of the alteration or alterations so made as he may approve of.

In the name and on behalf of the King I hereby assent  
to this Act.

ARTHUR LAWLEY, Governor.

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THE SCHEDULE.

*Presbyterian Church of Australia.*

## THE SCHEDULE.

## THE SCHEME OF UNION.

## PREAMBLE.

Preamble.

Section 2.

The Presbyterian Church of New South Wales, the Presbyterian Church of Victoria, the Presbyterian Church of Queensland, the Presbyterian Church of South Australia, the Presbyterian Church of Tasmania, and the Presbyterian Church in Western Australia holding the same doctrine, government, discipline, and form of worship, believing that it would be for the glory of God and the advancement of His Kingdom that they should form one Presbyterian Church as hereinafter provided, to be called the Presbyterian Church of Australia, and under authority to Christ alone, the Head of the Church and Head over all things to His Church, agree to unite on the following basis, and subject to the following articles, to be subscribed by the Moderators of the respective Churches in their name and on their behalf:—

## BASIS OF UNION.

I. The supreme standard of the United Church shall be the Word of God contained in the Scriptures of the Old and New Testaments.

II. The subordinate standard of the United Church shall be the Westminster Confession of Faith read in the light of the following declaratory statement:—

- (1.) That in regard to the doctrine of redemption as taught in the subordinate standard, and in consistency therewith, the love of God to all mankind, His gift of His Son to be the propitiation for the sins of the whole world, and the free offer of salvation to men without distinction, on the ground of Christ's all-sufficient sacrifice, are regarded by this Church as vital to the Christian faith. And inasmuch as the Christian faith rests upon, and the Christian consciousness takes hold of certain objective supernatural historic facts, especially the incarnation, the atoning life and death, and the resurrection and ascension of our Lord, and His bestowment of His Holy Spirit, this Church regards those whom it admits to the office of the holy ministry as pledged to give a chief place in their teaching to these cardinal facts, and to the message of redemption and reconciliation implied and manifested in them.
- (2.) That the doctrine of God's eternal decree, including the doctrine of election to eternal life, is held as defined in the Confession of Faith, chapter III., section I., where it is expressly stated that according to this doctrine "neither is God the author of sin, nor is violence offered to the will of the creature, nor is the liberty or contingency of second causes taken away, but rather established," and further, that the said doctrine is held in connection and harmony with the truth that God is not willing that any should perish, but that all should come to repentance, that He has provided a salvation sufficient for all and adapted to all and offered to all in the Gospel, and that every hearer of the Gospel is responsible for his dealing with the free and unrestricted offer of eternal life.
- (3.) That while none are saved except through the mediation of Christ and by the grace of the Holy Spirit, Who worketh when and where and how it pleaseth Him, while the duty of sending the Gospel to the heathen who are sunk in ignorance, sin, and misery is imperative, and

*Presbyterian Church of Australia.*

and while the outward and ordinary means of salvation for those capable of being called by the Word are the ordinances of the Gospel, in accepting the subordinate standard it is not required to be held that any who die in infancy are lost, or that God may not extend His grace to any who are without the pale of ordinary means as it may seem good in His sight.

- (4.) That in holding and teaching according to the Confession of Faith, the corruption of man's nature as fallen, this Church also maintains that there remain tokens of man's greatness as created in the image of God, that he possesses a knowledge of God and of duty, that he is responsible for compliance with the moral law and the call of the Gospel, and that although unable without the aid of the Holy Spirit to return to God unto salvation, he is yet capable of affections and actions which of themselves are virtuous and praiseworthy.
- (5.) That liberty of opinion is allowed on matters in the subordinate standard not essential to the doctrine therein taught, the Church guarding against the abuse of this liberty to the injury of its unity and peace.
- (6.) That with regard to the doctrine of the civil magistrate and his authority and duty in the sphere of religion as taught in the subordinate standard, the Church holds that the Lord Jesus Christ is the only King and Head of the Church "and Head over all things to the Church, which is His body." It disclaims accordingly intolerant or persecuting principles, and does not consider its office-bearers in subscribing the Confession as committed to any principles inconsistent with the liberty of conscience and the right of private judgment, declaring in the words of the Confession that "God alone is Lord of the conscience."

III. Any proposed revision or abridgment of the subordinate standard of the Church or restatement of its doctrine or change of the formula shall, before being adopted, be remitted to the local Assemblies and through them to the Presbyteries, and no change shall be made without the consent of a majority of the local Assemblies, three-fifths of the Presbyteries of the whole Church, and a majority of three-fifths of the members present when the final vote of the General Assembly is taken.

IV. On any change being made in the basis of union in accordance with section III., if any congregation thereupon refuses to acquiesce in the change, and determines to adhere to the original basis of union, the General Assembly is empowered (1.) to allow such congregation to retain all its congregational property, or (2.) to deal in such other way with the said property as to the Assembly may seem just and equitable.

V. Any proposed change in either of the two preceding sections, III. and IV., shall be made only under the provisions contained in section III.

VI. Formula to be signed by ministers and elders at their ordination or induction, and by probationers on receiving license:—

I own and accept the subordinate standard of this Church, with the explanations given in the articles contained in the declaratory statement, as an exhibition of the sense in which I understand the Holy Scriptures, and as a confession of my faith. I further own the purity of worship practised in this Church, and the Presbyterian government thereof, to be founded on the Word of God, and agreeable thereto, and I promise that through the grace of God I shall firmly and constantly adhere to the same, and to the utmost of my power shall in my station assert, maintain, and defend the doctrine, worship, and government of this Church.

ARTICLES

*Presbyterian Church of Australia.*

## ARTICLES OF AGREEMENT.

I. There shall be a supreme court of the Church, which shall be called the General Assembly of the Presbyterian Church of Australia.

II. The General Assembly shall meet in such places as it shall itself determine, and it shall endeavour to arrange the business so as to meet only once in two years, but shall have power to meet oftener if found necessary; the place and time of the first meeting to be fixed by the Federal Assembly.

III. The General Assembly shall be representative, and shall consist of an equal number of ministers and elders; each local assembly shall be represented by one-fourth of its members, to be elected—three-fourths by the Presbyteries and one-fourth by the local Assembly itself.

IV. The General Assembly shall have functions legislative, administrative, and judicial, supreme with regard to the doctrine, worship, and discipline of the Church, the missions to the heathen, the training of students, the admission of candidates to the ministry, and the reception of ministers from other Churches.

V. The judicial functions of the General Assembly, in the case hereafter stated, shall be delegated to a commission to be appointed at each ordinary meeting of the General Assembly, and which shall be called the Judicial Commission of the Presbyterian Church of Australia, and hereinafter is called the Judicial Commission.

- (1.) The Judicial Commission shall hear and finally decide, first, all appeals from local Assemblies in cases where a judicial process has been proposed, whether the decision has been for or against proceeding by such a process; second, all references made in such cases after evidence has been taken in the lower court.
- (2.) The decisions of the Judicial Commission being final are not subject to review, but shall be forthwith reported to the General Assembly and also to the local Assembly directly concerned; in all such cases the evidence shall be intrusted to the clerk of the General Assembly, and shall be disposed of as the General Assembly may direct.
- (3.) The Judicial Commission shall consist of thirty-six members (ministers and elders), twenty-four of whom shall be appointed on the nomination of the local Assemblies: eight by the Assembly of Victoria, eight by New South Wales, four by Queensland, two by Tasmania, and two by South Australia—the remaining twelve by the General Assembly itself. Should an Assembly fail to nominate, the General Assembly shall appoint in its stead; sixteen shall form a quorum.
- (4.) The prosecutors in any case, or the appellants who plead at the bar of the Judicial Commission shall not, if they are members of that Commission, adjudicate in the case.

VI. The General Assembly at each ordinary meeting shall appoint a body of assessors, whose members shall be other than the members of the Judicial Commission, to assist any Presbytery or local Assembly which may seek their aid in conducting any case involving a question of life or doctrine.

VII. The General Assembly at each ordinary meeting shall appoint a board for the management and administration of the missions to the heathen, which shall be called the Board of Missions.

- (1.) The Board of Missions shall consist of nineteen members (ministers and elders), thirteen of whom shall be appointed on the nomination of the local Assemblies: six by Victoria (two of whom shall represent the J. G. Paton Fund), four by New South Wales, and one each by Queensland, Tasmania, and South Australia—and six by the General Assembly itself. Should a local Assembly fail to nominate, the General Assembly shall appoint in its stead.

(2.)

*Presbyterian Church of Australia.*

- (2.) Local committees shall be appointed as at present by the local Assemblies for the purpose of stimulating an interest in missions, supervising local work and collecting money, and these committees shall report to the Board of Missions as well as to their own Assemblies.
- (3.) The money received by the local Assemblies for the support of missions to the heathen shall be held by their respective treasurers for the General Assembly, and shall be disbursed at the order of the Board, but the responsibility of supporting any agency connected with a local Assembly shall remain solely with that Assembly. Unless with the consent of the local Assembly concerned no such money raised within the bounds of any local Assembly, or by any of its agents, shall be applied by the Board to the support of any mission other than that for which the said Assembly is responsible.
- (4.) No new mission shall be originated by a local Assembly without the approval of the General Assembly.
- (5.) The Board of Missions shall take into consideration the views of the local committees with regard to missions in which they are specially interested, and shall give effect to them when it can do so without prejudice to other interests.
- (6.) The Board of Missions shall appoint an executive, and the place of meeting of this executive shall be in Melbourne until otherwise ordered by the General Assembly.

VIII. There shall be one uniform system of theological training for the whole Church and one standard of qualification.

- (1.) All candidates for license shall be students who have been regularly trained at some Theological Hall recognised by the General Assembly.
- (2.) It shall be the aim of the Church to have all its Halls equipped with not less than three professors, such professors to be separate from any pastoral charge, but meanwhile the Halls in Australia recognised by the General Assembly shall be the Theological Hall in Ormond College, Melbourne, and the Theological Hall in St. Andrew's College, Sydney.
- (3.) Professors shall be elected to vacant chairs by the local Assembly maintaining the said chairs.
- (4.) The course of study in each Hall shall extend over a period of three years, with an annual working session of six months, and shall include the subjects of Hebrew and Old Testament exegesis, New Testament Greek and exegesis, apologetic, church history, systematic theology, and pastoral theology and training, and such other subjects as may from time to time be prescribed.
- (5.) Candidates for admission to a Theological Hall shall be graduates of some recognised university, or have certificates showing that they have gone through a complete curriculum in arts in such a university.
- (6.) In exceptional circumstances students who have attended one year at some recognised university, and passed the examination for that year for the degree of B.A. or M.A., with Greek as one of the subjects, may be admitted to the entrance examination by a special resolution of their own Assembly.
- (7.) Candidates for entrance to a Theological Hall who are graduates shall be examined only in Scripture and Hebrew and Greek, except where Greek has been taken as part of the arts examination; all others in a syllabus to be afterwards provided.
- (8.) The examination for admission to the Halls shall be held simultaneously, and shall be on the same subjects and on the same papers; the



*Presbyterian Church of Australia.*

the examinations for exit shall be held simultaneously, and shall likewise be on the same subjects and on the same papers.

- (9.) A committee on theological education, to be known as the College Committee, shall be appointed by the General Assembly, and shall have an executive meeting in one of the university seats. Of this committee the professors and lecturers shall be members *ex officio*. It shall deal with all matters pertaining to the training of the students and the studies in the Halls, and shall make arrangements according to rules afterwards to be framed and adopted for conducting the entrance and exit examinations.
- (10.) Each local Assembly within whose bounds a Theological Hall is situated shall appoint annually a Theological Hall Committee, with authority over the general management and finances of the Hall, and to deal with all matters which concern the interests of the Hall that are intrusted to it by its own Assembly and by the General Assembly. These committees shall report to the General Assembly through its committee.
- (11.) In order to the settlement of all other matters pertaining to the Theological Halls, the Federal Assembly at its last meeting, or the General Assembly at its first meeting, shall appoint a committee, which shall include among its members all the recognised theological professors or lecturers of the several Churches and the conveners of the now existing boards of examination, whose first duty shall be to inquire into the course of study, the provision for and the methods of instruction in use in the several Halls of the Churches, to draft, provisionally, a common course of study adapted as far as possible to the means and methods in use in the several Halls, and to consider what modifications of these may be necessary in order to secure the attainment of a common standard, and to report on all these matters to the General Assembly, the present mode of examination remaining *in statu quo* until such arrangements have been completed and approved by the General Assembly.

IX. Ministers from other denominations shall be admitted to the United Church only by the General Assembly; those from other Presbyterian Churches either by the General Assembly or by the local Assembly, or by such committees as have the power delegated to them and in accordance with rules framed so as to secure uniformity of method of admission.

X. Reports of a full and definite kind shall be forwarded to the General Assembly from each local Assembly on all matters pertaining to the work and welfare of the Church, including home missions, Sabbath schools, and the state of religion and morals; and it shall be the duty of the General Assembly to consider these and to issue recommendations when that is deemed advisable with regard to them; the General Assembly shall further be free in conjunction with the local Assemblies to originate new home mission schemes.

XI. The local General Assemblies shall retain their present names, and their autonomy shall not be further interfered with than is needful to give effect to the basis of union and the articles of agreement.

XII. A fund shall be formed for the purpose of defraying the working expenses of the General Assembly and such part of the travelling expenses of the members as the General Assembly may from time to time determine, and this fund shall be contributed to by the local Assemblies in such proportions as the General Assembly may from time to time determine.

XIII. The articles of agreement may be altered or added to from time to time, but not without the consent of the majority of the Presbyteries of the whole Church and a majority of the local Assemblies.



## Western Australia.

ANNO PRIMO

## EDWARDI VII. REGIS.

\*\*\*\*\*

No. V.

AN ACT to apply out of the Consolidated Revenue Fund and from Moneys to Credit of the General Loan Fund a further sum of Five Hundred Thousand Pounds to the Service of the Year ending 30th June, 1902.

[Assented to, 18th November, 1901.]

MOST GRACIOUS SOVEREIGN,—

**W**E, Your Majesty's Most Dutiful and Loyal Subjects, the Members of the Legislative Assembly of Western Australia, in Parliament assembled, towards making good the Supply which we have cheerfully granted to Your Majesty in this Session of Parliament, have resolved to grant unto Your Majesty the Sum hereinafter mentioned; and do, therefore, most humbly beseech Your Majesty that it may be enacted: And be it enacted by the King's Most Excellent Majesty, by and with the advice and consent

Preamble.

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*Consolidated Revenue—Application.*

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consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Issue and application  
of £500,000.

1. THERE shall and may be issued and applied for or towards making good the supply granted to His Majesty for the Service of the year from 1st July, 1901, to 30th June, 1902, the sum of Three Hundred Thousand Pounds out of the Consolidated Revenue Fund, and Two Hundred Thousand Pounds from moneys to credit of the General Loan Fund; and the Treasurer of Western Australia is hereby authorised and empowered to issue and apply the moneys authorised to be issued and applied.

Sum available for  
purposes voted by  
the Legislative  
Assembly.

2. THE said sums shall be available to satisfy the Warrants under the hand of the Governor, under the provisions of the law now in force, in respect of any Services voted by the Legislative Assembly during the financial year ending 30th June, 1902.

In the name and on behalf of the King I hereby assent  
to this Act.

ARTHUR LAWLEY, Governor.



## Western Australia.

ANNO PRIMO

EDWARDI VII. REGIS.

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No. VI.

AN ACT to apply out of the Consolidated Revenue Fund and from Moneys to Credit of the General Loan Fund a further sum of Six Hundred Thousand Pounds to the Service of the Year ending 30th June, 1902.

*[Assented to, 18th December, 1901.]*

MOST GRACIOUS SOVEREIGN,—

**W**E, Your Majesty's Most Dutiful and Loyal Subjects, the Members of the Legislative Assembly of Western Australia, in Parliament assembled, towards making good the Supply which we have cheerfully granted to Your Majesty in this Session of Parliament, have resolved to grant unto Your Majesty the Sum hereinafter mentioned; and do, therefore, most humbly beseech Your Majesty that it may be enacted: And be it enacted by the King's Most Excellent Majesty, by and with the advice and consent

Preamble..

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*Consolidated Revenue—Application.*

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consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Issue and application  
of £600,000.

1. THERE shall and may be issued and applied for or towards making good the supply granted to His Majesty for the Service of the year from 1st July, 1901, to 30th June, 1902, the sum of Three Hundred and Fifty Thousand Pounds out of the Consolidated Revenue Fund, and Two Hundred and Fifty Thousand Pounds from moneys to credit of the General Loan Fund; and the Treasurer of Western Australia is hereby authorised and empowered to issue and apply the moneys authorised to be issued and applied.

Sum available for  
purposes voted by  
the Legislative  
Assembly.

2. THE said sums shall be available to satisfy the Warrants under the hand of the Governor, under the provisions of the law now in force, in respect of any Services voted by the Legislative Assembly during the financial year ending 30th June, 1902.

In the name and on behalf of the King I hereby assent  
to this Act.

ARTHUR LAWLEY, Governor.



## Western Australia.

ANNO PRIMO ET SECUNDO

EDWARDI VII. REGIS.

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No. I.

AN ACT to apply a sum out of the Consolidated Revenue Fund and from Moneys to Credit of the General Loan Fund to the Services of the Year ending the last day of June, One thousand nine hundred and two, and to appropriate the Supplies granted in this Session of Parliament.

*[Assented to, 19th February, 1902.]*

MOST GRACIOUS SOVEREIGN,—

WE, Your Majesty's most dutiful and loyal subjects, the Legislative Assembly of Western Australia in Parliament assembled, towards making good the supply which we have cheerfully granted to Your Majesty in this Session of Parliament, have resolved to grant unto Your Majesty the sums hereinafter mentioned, and do therefore most humbly beseech Your Majesty that it may be enacted; And be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia,

Preamble.

*Appropriation.*

Australia, in this present Parliament assembled, and by the authority of the same, as follows (that is to say):—

Application of  
moneys.

1. THERE shall and may be issued and applied, for or towards making good the Supply granted to His Majesty for the services of the year ending the last day of June, One thousand nine hundred and two, the following sums, that is to say:

From the Consolidated Revenue Fund, the sum of One million and seventy-two thousand one hundred and nineteen pounds five shillings and six pence.

From moneys to credit of the General Loan Fund, the sum of One million and seventy-seven thousand six hundred and seventeen pounds eight shillings and one penny.

Appropriation of  
supplies.  
Schedule A.

2. ALL sums granted by this Act, and the Acts mentioned in Schedule A to this Act, towards making good the Supply granted to His Majesty, that is to say:

From the Consolidated Revenue Fund, the sum of Two million four hundred and seventy-two thousand one hundred and nineteen pounds five shillings and six pence.

From moneys to credit of the General Loan Fund, the sum of Two million twenty-seven thousand six hundred and seventeen pounds eight shillings and one penny;

Schedules B and C.

are appropriated and shall be deemed to have been appropriated for the purposes and services expressed in Schedules B and C.

In the name and on behalf of the King I hereby assent to this Act.

ARTHUR LAWLEY, Governor.

### SCHEDULE A.

FOR THE SERVICES OF THE YEAR ENDING 30TH JUNE, 1902.

<i>Consolidated Revenue Fund:</i>				£	s.	d.
Under 1 Edward VII., No. 1	...	£750,000	0 0			
Under 1 Edward VII., No. 5	...	300,000	0 0			
Under 1 Edward VII., No. 6	...	350,000	0 0			
Under this Act	...	1,072,119	5 6			
				2,472,119	5	6
<i>The General Loan Fund:</i>						
Under 1 Edward VII., No. 1	...	500,000	0 0			
Under 1 Edward VII., No. 5	...	200,000	0 0			
Under 1 Edward VII., No. 6	...	250,000	0 0			
Under this Act	...	1,077,617	8 1			
				2,027,617	8	1
				4,499,736	13	7

*Appropriation.*

## SCHEDULE B.

CONSOLIDATED REVENUE FUND FOR THE SERVICES OF THE  
YEAR ENDING 30TH JUNE, 1902.

## SUMMARY.

	£	s.	d.
His Excellency the Governor ... ..	2924	0	0
The Executive Council ... ..	325	0	0
The Legislative Council ... ..	2375	0	0
The Legislative Assembly ... ..	5765	0	0
The Attorney General ... ..	212337	12	2
The Colonial Treasurer } ... ..	525226	11	5
The Colonial Secretary }			
The Minister of Works ... ..	346649	0	0
The Minister for Lands ... ..	97210	10	3
The Commissioner of Railways ... ..	1171266	13	4
The Minister for Mines ... ..	108039	18	4
	2472119	5	6

## I T E M S.

1901-1902.

## HIS EXCELLENCY THE GOVERNOR.

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
		<b>HIS EXCELLENCY THE GOVERNOR.</b>						
		<b>SALARIES, FIXED—£779.</b>						
		Private Secretary (Civil List).						
1	1	Aide-de-Camp ... ..	250	0	0			
2	1	Clerk in Governor's Office ... ..	300	0	0			
3	1	Office Keeper ... ..	114	0	0			
4	1	Messenger ... ..	75	0	0			
5	1	Caretaker, Government Cottage, Rottneft ... ..	40	0	0			
		<b>ALLOWANCES—£1,030.</b>						
6	1	Lodging Allowance in lieu of Quarters to Office Keeper	30	0	0			
7	...	Entertainment Allowance ... ..	1000	0	0			
		<b>CONTINGENCIES—£1,115.</b>						
8	...	Incidental Expenses ... ..	100	0	0			
9	...	Postage, Telephone Rent, and Telegrams ... ..	500	0	0			
10	...	Stationery ... ..	85	0	0			
11	...	Water ... ..	30	0	0			
12	...	Lighting ... ..	400	0	0			
		<b>Total His Excellency the Governor</b> ... ..				2924	0	0
		<b>Amount carried forward to Total EXECUTIVE COUNCIL</b> ... ..				2924	0	0



*Appropriation.***EXECUTIVE COUNCIL.**

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
<b>EXECUTIVE COUNCIL.</b>								
<b>SALARIES, FIXED—£195.</b>								
		Clerk of the Council (Civil List).						
1	1	Clerk Assistant ... ..	195	0	0			
<b>SALARIES, PROVISIONAL AND TEMPORARY—£80.</b>								
2	1	Messenger ... ..	80	0	0			
<b>CONTINGENCIES—£50.</b>								
3	...	Incidental Expenses ... ..	30	0	0			
4	...	Postage, Telephone Rent, and Telegrams ... .	15	0	0			
5	...	Stationery ... ..	5	0	0			
<b>Total Executive Council ... ..</b>						325	0	0
<b>Amount brought forward from Total to HIS EXCELLENCY THE GOVERNOR</b>						2924	0	0
<b>Amount carried forward to Total LEGISLATIVE COUNCIL ... ..</b>						3249	0	0

**LEGISLATIVE COUNCIL.**

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
<b>LEGISLATIVE COUNCIL.</b>								
<b>SALARIES, FIXED—£1,720.</b>								
1	1	President ... ..	600	0	0			
2	1	Chairman of Committees ... ..	300	0	0			
3	1	Clerk of Council ... ..	450	0	0			
4	1	Assistant Clerk and Usher Black Rod ... ..	225	0	0			
5	1	Caretaker ... ..	145	0	0			
<b>SALARIES, PROVISIONAL AND TEMPORARY—£235.</b>								
6	1	Chief Messenger ... ..	110	0	0			
7	1	Assistant Messenger (Sessional) ... ..	25	0	0			
8	...	Refreshment Room—Wages ... ..	100	0	0			
<b>ALLOWANCES—£20.</b>								
9	1	Lodging Allowance in lieu of Quarters to Caretaker ...	20	0	0			
<b>CONTINGENCIES—£400.</b>								
10	...	Cleaning, Lighting, and Incidental Expenses ...	200	0	0			
11	...	Postage, Telephone Rent, and Telegrams ... ..	70	0	0			
12	...	Stationery, Typewriters, etc. ... ..	30	0	0			
13	...	Select Committees, Payment of Witnesses (both Houses)	50	0	0			
14	...	Refreshment Room—Furniture ... ..	50	0	0			
<b>Total Legislative Council ... ..</b>						2375	0	0
<b>Amount brought forward from Total to EXECUTIVE COUNCIL ... ..</b>						3249	0	0
<b>Amount carried forward to Total LEGISLATIVE ASSEMBLY ... ..</b>						5624	0	0

## Appropriation.

## LEGISLATIVE ASSEMBLY.

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
<b>LEGISLATIVE ASSEMBLY.</b>								
<b>SALARIES, FIXED—£1,935.</b>								
1	1	Speaker ... ..	600	0	0			
2	1	Chairman of Committees ... ..	300	0	0			
3	1	Clerk of Assembly ... ..	450	0	0			
4	1	Clerk, Assistant ... ..	225	0	0			
5	1	Sergeant-at-Arms ... ..	125	0	0			
6	1	Librarian, Parliamentary Library ... ..	50	0	0			
7	1	Chief Messenger ... ..	185	0	0			
<b>SALARIES, PROVISIONAL AND TEMPORARY—£3,055.</b>								
8	1	Chief <i>Hansard</i> Reporter ... ..	450	0	0			
9	1	<i>Hansard</i> Reporter ... ..	350	0	0			
10	1	Do. ... ..	350	0	0			
11	1	Do. ... ..	350	0	0			
12	1	Do. ... ..	300	0	0			
13	...	Do. (Emergency) ... ..	50	0	0			
14	1	Typewriters (occasionally employed) ... ..	450	0	0			
15	1	Assistant Messenger ... ..	85	0	0			
16	1	Do. (Sessional) ... ..	30	0	0			
17	1	Do. do. ... ..	20	0	0			
18	1	Caterer ... ..	120	0	0			
19	...	Refreshment Room Wages ... ..	500	0	0			
<b>CONTINGENCIES—£775.</b>								
20	...	Incidental Expenses (including Electric Lighting, Furniture, Cleaning, etc.) ... ..	400	0	0			
21	...	Refreshment Room ... ..	100	0	0			
22	...	Grant for Library ... ..	100	0	0			
23	...	Postage, Telephone Rent, and Telegrams ... ..	75	0	0			
24	...	Stationery, Typewriters, etc. ... ..	100	0	0			
<b>Total Legislative Assembly</b> ... ..						5765	0	0
<b>Amount brought forward from Total to LEGISLATIVE COUNCIL</b> ... ..						5624	0	0
<b>Amount carried forward to Total COLONIAL TREASURER</b> ... ..						11389	0	0

*Appropriation.***ATTORNEY GENERAL.**

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
CROWN LAW OFFICERS.								
SALARIES, FIXED—£4,140.								
		Attorney General (Civil List).						
1	1	Secretary ... ..	450	0	0			
2	1	Law and Parliamentary Draftsman (8 months at £800 p.a.) ... ..	533	6	8			
3	1	Clerk to Parliamentary Draftsman (8 months at £400 p.a.) ... ..	266	13	4			
4	1	Accountant ... ..	250	0	0			
5	1	Clerk ... ..	90	0	0			
6	1	Crown Solicitor ... ..	750	0	0			
7	1	Circuit Prosecutor (8 months at £500 p.a.) ... ..	333	6	8			
8	1	Chief Clerk (8 months at £400 p.a.) ... ..	266	13	4			
9	1	Managing Clerk (Criminal Business) ... ..	400	0	0			
10	1	Managing Clerk (Civil Business) ... ..	400	0	0			
11	1	Clerk (Conveyancing) ... ..	190	0	0			
12	1	Do. ... ..	90	0	0			
13	1	Shorthand Writer and Typist ... ..	120	0	0			
SALARIES—PROVISIONAL AND TEMPORARY, £100.								
14	...	Extra Clerical Assistance ... ..	100	0	0			
CONTINGENCIES—£720.								
15	...	Law Books ... ..	100	0	0			
16	...	Incidental Expenses ... ..	25	0	0			
17	...	Postage, Telephone Rent, and Telegrams ... ..	200	0	0			
18	...	Stationery, Typewriters, etc. ... ..	100	0	0			
19	...	Water, Fuel, Lighting, and Sanitary ... ..	20	0	0			
20	...	*Travelling Expenses ... ..	25	0	0			
21	...	Parliamentary Drafting—Fees for ... ..	250	0	0			
Total ... ..			...			4960	0	0
SUPREME COURT.								
SALARIES, FIXED—£6,070.								
1	1	Registrar, Master, and Keeper of Records, Supreme Court, and Registrar in Bankruptcy ... ..	700	0	0			
2	1	Deputy Registrar and Taxing Officer ... ..	450	0	0			
3	1	Registrar of Joint Stock Companies, etc. ... ..	390	0	0			
4	1	Clerk ... ..	225	0	0			
5	1	Do. ... ..	225	0	0			
6	1	Do. ... ..	225	0	0			
Carried forward ..			2215	0	0	4960	0	0

\* Previously classified under Incidental.

*Appropriation.***ATTORNEY GENERAL—(continued).**

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
		Brought forward ...	...			4960	0	0
		<b>Supreme Court—continued.</b>						
		Brought forward ...	2215	0	0			
		<b>SALARIES, FIXED—continued.</b>						
7	1	Clerk ...	140	0	0			
8	1	Do. ...	130	0	0			
9	1	Do. ...	120	0	0			
10	1	Do. ...	100	0	0			
11	1	Do. ...	90	0	0			
12	1	Clerk to Chief Justice and Clerk of Arraignment ...	200	0	0			
13	1	Do. to Puisne Judge do. ...	200	0	0			
14	1	Do. to Third Judge do. ...	200	0	0			
15	1	Do. to Fourth Judge do. ...	200	0	0			
16	1	Librarian ...	170	0	0			
17	1	Usher ...	190	0	0			
18	1	Do. ...	160	0	0			
19	1	Messenger, Caretaker, and Assistant Usher, No. 1 Court	125	0	0			
20	1	Assistant Messenger ...	70	0	0			
21	1	Sheriff ...	550	0	0			
22	1	Sheriff's Chief Officer ...	300	0	0			
23	1	Clerk to Sheriff ...	240	0	0			
24	1	Assistant Clerk, Sheriff's Office	160	0	0			
25	1	Do. ...	130	0	0			
26	1	Bailiff ...	170	0	0			
27	1	Assistant Bailiff ...	160	0	0			
28	1	Typist ...	50	0	0			
		<b>SALARIES, PROVISIONAL AND TEMPORARY—£322 4s. 6d.</b>						
29	1	Acting Puisne Judge (1st July to 10th September at £1,400 per annum) ...	272	4	6			
30	...	Extra Clerical Assistance ...	50	0	0			
		<b>ALLOWANCES—£30.</b>						
31	1	Messenger and Caretaker of No. 1 Court, Lodging in lieu of Quarters ...	30	0	0			
		<b>CONTINGENCIES—£6,560.</b>						
32	...	Witnesses and Jurors, Payment of ...	5000	0	0			
33	...	Circuit Prosecutions ...	630	0	0			
		Carried forward ...	7052	4	6	4960	0	0

*Appropriation.***ATTORNEY GENERAL—(continued).**

Item No.	No. of Persons.				£	s.	d.
		Brought forward	...	...	4960	0	0
		<b>Supreme Court—continued.</b>					
		Brought forward	...	7052 4 6			
		<b>CONTINGENCIES—continued.</b>					
34	...	Incidental Expenses	...	30 0 0			
35	...	Postage, Telephone Rent, and Telegrams	...	100 0 0			
36	...	Stationery, Typewriters, etc.	...	100 0 0			
37	...	Water, Fuel, Lighting, and Sanitary	...	70 0 0			
38	...	Law Reporting	...	200 0 0			
39	...	Circuit Courts, Travelling Expenses, etc.	...	300 0 0			
40	...	Law Books for Judges	...	60 0 0			
41	...	*Travelling Expenses	...	20 0 0			
		Total	...	...	12932	4	6
		<b>STIPENDIARY MAGISTRACY.</b>					
		<b>SALARIES, FIXED—£19,092 3s. 4d.</b>					
1	1	Albany	...	600 0 0			
2	1	Blackwood	...	350 0 0			
3	1	Broome	...	500 0 0			
4	1	Bunbury	...	450 0 0			
5	1	Collie	...	50 0 0			
6	1	East Coolgardie (Boulder), Assistant Magistrate, 5 months, at £400 per annum	...	166 13 4			
7	1	Esperance	...	250 0 0			
8	1	Fremantle	...	600 0 0			
9	1	Gascoyne	...	450 0 0			
10	1	Geraldton	...	600 0 0			
11	1	Kimberley, East	...	350 0 0			
12	1	Kimberley, West	...	300 0 0			
13	1	Katanning	...	375 0 0			
14	1	Murchison and Gascoyne District, Itinerant Police Magistrate	...	200 0 0			
15	1	Murray	...	205 0 0			
16	1	Northam	...	400 0 0			
17	1	Northampton	...	100 0 0			
18	1	Onslow	...	150 0 0			
19	1	Perth Local Court Magistrate	...	700 0 0			
20	1	Perth	...	700 0 0			
21	1	Roebourne	...	500 0 0			
22	1	Swan Resident Magistrate and Coroner	...	200 0 0			
23	1	Toodyay	...	400 0 0			
24	1	Vasse	...	275 0 0			
25	1	Williams	...	100 0 0			
26	1	York	...	450 0 0			
27	1	Coroner, Perth and Fremantle Districts	...	150 0 0			
28	1	Relieving Magistrate (eight months at £400 per annum)	...	266 13 4			
		Carried forward	...	9838 6 8	17892	4	6

\* Previously classified under incidental.

*Appropriation.*

## ATTORNEY GENERAL—(continued).

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
		Brought forward ...	...			17892	4	6
		<b>Stipendary Magistracy—continued.</b>						
		Brought forward ...	9838	6	8			
		<b>SALARIES FIXED—continued.</b>						
		<i>Clerks—</i>						
* 29	1	Albany, Clerk to Magistrates and Local Court	225	0	0			
30	1	Beverley do. do.	30	0	0			
31	1	Boulder do. do.	200	0	0			
32	1	Bridgetown, do. do.	50	0	0			
33	1	Broad Arrow do. do.	225	0	0			
34	1	Broome do. do.	100	0	0			
35	1	Bunbury do. do.	250	0	0			
36	1	Busselton do. do.	135	0	0			
37	1	Carnarvon do. do.	145	0	0			
38	1	Claremont do. do.	50	0	0			
39	1	Collie do. do.	250	0	0			
40	1	Coolgardie do. do.	250	0	0			
41	1	Cossack do. do.	5	0	0			
42	1	Cue do. do.	230	0	0			
43	1	Derby do. do.	140	0	0			
44	1	Dongara do. do.	20	0	0			
45	1	Donnybrook do. do.	40	0	0			
46	1	Dundas do. do.	225	0	0			
47	1	Esperance do. do.	100	0	0			
48	1	Fremantle do. do.	270	0	0			
49	1	Do. Assistant do. do.	180	0	0			
50	1	Do. do. do. do.	*172	10	0			
51	1	Do. do. do. do.	140	0	0			
52	1	Geraldton do. do.	300	0	0			
53	1	Do. Assistant do. do.	200	0	0			
54	1	Gingin do. do.	20	0	0			
55	1	Greenbushes do. do.	40	0	0			
56	1	Greenough do. do.	160	0	0			
57	1	Guildford do. do.	200	0	0			
58	1	Hall's Creek do. do.	25	0	0			
59	1	Jarrahdale do. do.	50	0	0			
60	1	Kalgoorlie do. do.	250	0	0			
61	1	Do., Assistant do. do.	170	0	0			
62	1	Kanowna do. do.	50	0	0			
63	1	Katanning Clerk to Magistrates and Local Court	170	0	0			
64	1	Kojonup do. do.	20	0	0			
65	1	Laverton do. do.	50	0	0			
66	1	Lawlers do. do.	50	0	0			
67	1	Leonora do. do.	50	0	0			
68	1	Menzies do. do.	225	0	0			
69	1	Midland Junction do. do.	30	0	0			
70	1	Moora do. do.	10	0	0			
71	1	Mount Magnet do. do.	50	0	0			
		Carried forward ...	15390	16	8	17892	4	6

\* Includes salary for April, 1901, £12 10s.

*Appropriation.***ATTORNEY GENERAL—(continued).**

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
		Brought forward ...	...			17892	4	6
		<b>Stipendiary Magistracy—continued.</b>						
		Brought forward ...	15390	16	8			
		<b>SALARIES, FIXED—continued.</b>						
		<i>Clerks—continued.</i>						
72	1	Mount Malcolm, Clerk to Magistrates and Local Court	50	0	0			
73	1	Mount Morgans do. do. ...	12	0	0			
74	1	Nannine do. do. ...	50	0	0			
75	1	Narrogin do. do. ...	20	0	0			
76	1	Newcastle do. do. ...	170	0	0			
77	1	Northam do. do. ...	170	0	0			
78	1	Northampton do. do. ...	20	0	0			
79	1	Nullagine do. do. ...	50	0	0			
80	1	Onslow do. do. ...	100	0	0			
81	1	Peak Hill do. do. ...	50	0	0			
82	1	Perth, Clerk to Local Court ...	275	0	0			
83	1	Do. Assistant do. ...	186	0	0			
84	1	Do. do. do. ...	180	0	0			
85	1	Do. do. do. ...	180	0	0			
86	1	Do. Clerk to Magistrates ...	275	0	0			
87	1	Do. Assistant do. ...	190	0	0			
88	1	Do. do. do. ...	150	0	0			
89	1	Do. do. Police Court ...	180	0	0			
90	1	Phillips River do. and Local Court ...	20	0	0			
91	1	Pinjarra, Clerk to Magistrates do. ...	150	0	0			
92	1	Roebourne do. do. ...	250	0	0			
93	1	Southern Cross do. do. ...	50	0	0			
94	1	Victoria Plains do. do. ...	10	0	0			
95	1	Wagin do. do. ...	20	0	0			
96	1	Williams do. do. ...	30	0	0			
97	1	Wiluna do. do. ...	30	0	0			
98	1	Wyndham do. do. ...	200	0	0			
99	1	Yalgoo do. do. ...	150	0	0			
100	1	York do. do. ...	200	0	0			
101	1	Relieving Clerk to Magistrates and Local Courts (8 months at £200 p.a.) ...	133	6	8			
102	1	Clerk to Coroner, Perth and Fremantle ...	200	0	0			
		<b>SALARIES, PROVISIONAL AND TEMPORARY—£789 13s. 7d.</b>						
103	...	Acting Clerk of Courts, Albany (1st to 16th July, at £225 p.a.) ...	9	13	7			
104	...	Salaries—Caretakers of Court Houses ...	500	0	0			
105	...	Temporary Clerical Assistance ...	150	0	0			
106	1	Caretaker Public Buildings, Geraldton ...	60	0	0			
107	1	Messenger, Fremantle Court ...	70	0	0			
		Carried forward ...	19881	16	11	17892	4	6

*Appropriation.***ATTORNEY GENERAL—(continued).**

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
		Brought forward ...	...			17892	4	6
<b>Stipendiary Magistracy—continued.</b>								
		Brought forward ...	19881	16	11			
<b>ALLOWANCES—£1,412 10s.</b>								
108	1	Forage—Government Resident, Albany ...	50	0	0			
109	1	Do. do. Geraldton ...	100	0	0			
110	1	Do. do. Kimberley, East ...	50	0	0			
111	1	Do. do. Kimberley, West ...	75	0	0			
112	1	Do. do. Roebourne ...	75	0	0			
113	1	Do. Resident Magistrate, Blackwood ...	50	0	0			
114	1	Do. do. Broome ...	75	0	0			
115	1	Do. do. Bunbury ...	50	0	0			
116	1	Do. do. Esperance ...	50	0	0			
117	1	Do. do. Kalgoorlie ...	37	10	0			
118	1	Do. do. Murray ...	50	0	0			
119	1	Do. do. Northam ...	50	0	0			
120	1	Do. do. Onslow ...	75	0	0			
121	1	Do. do. Swan ...	50	0	0			
122	1	Do. do. Toodyay ...	50	0	0			
123	1	Do. do. Vasse ...	50	0	0			
124	1	Do. do. Katanning ...	75	0	0			
125	1	Do. do. Williams ...	50	0	0			
126	1	Do. do. York ...	50	0	0			
127	1	Lodging do. Blackwood ...	50	0	0			
128	1	Do. do. Bunbury ...	50	0	0			
129	1	Do. do. Esperance ...	50	0	0			
130	1	Do. do. Katanning ...	50	0	0			
131	1	Travelling—Resident Magistrate, Gascoyne ...	100	0	0			
<b>CONTINGENCIES—£10,166.</b>								
132	...	Witnesses and Jurors, payment of ...	5000	0	0			
133	...	Court Houses ...	100	0	0			
134	...	Inquests ...	2400	0	0			
135	...	Rent, New Norcia Court House ...	26	0	0			
136	...	Travelling Expenses of Magistrates, etc. ...	450	0	0			
137	...	Postage, Telephone Rent, and Telegrams ...	1200	0	0			
138	...	Stationery, Typewriters, etc. ...	350	0	0			
139	...	Water, Fuel, Lighting, and Sanitary ...	340	0	0			
140	...	Law Books ...	200	0	0			
141	...	Incidental Expenses ...	100	0	0			
		Total Stipendiary Magistracy ...				31460	6	11
		Carried forward ...				49352	11	5



## Appropriation.

## ATTORNEY GENERAL—(continued).

Item No.	No. of Persons		Brought forward ...	£	s.	d.	£	s.	d.
				...			49352	11	5
		<b>LAND TITLES.</b>							
		<b>SALARIES, FIXED—£7,420.</b>							
1	1	Commissioner of Titles ...	...	700	0	0			
2	1	Registrar of Titles and Deeds ...	...	550	0	0			
3	1	Assistant Registrar of Titles ...	...	350	0	0			
4	1	Clerk ...	...	260	0	0			
5	1	Accountant ...	...	225	0	0			
6	1	Clerk to Commissioner ...	...	215	0	0			
7	1	Clerk ...	...	200	0	0			
8	1	Do. ...	...	200	0	0			
9	1	Do. ...	...	180	0	0			
10	1	Do. ...	...	180	0	0			
11	1	Do. ...	...	180	0	0			
12	1	Do. ...	...	180	0	0			
13	1	Do. ...	...	170	0	0			
14	1	Do. ...	...	170	0	0			
15	1	Do. ...	...	160	0	0			
16	1	Do. ...	...	130	0	0			
17	1	Do. ...	...	130	0	0			
18	1	Do. ...	...	110	0	0			
19	1	Surveyor, Inspector of Plans and Computer ...	...	400	0	0			
20	1	Inspecting Surveyor ...	...	350	0	0			
21	1	Draftsman and Computer... ..	...	260	0	0			
22	1	Do. ...	...	230	0	0			
23	1	Do. ...	...	220	0	0			
24	1	Draftsman ...	...	200	0	0			
25	1	Do. ...	...	200	0	0			
26	1	Do. ...	...	200	0	0			
27	1	Do. ...	...	200	0	0			
28	1	Do. ...	...	190	0	0			
29	1	Do. ...	...	190	0	0			
30	1	Do. ...	...	180	0	0			
31	1	Do. ...	...	150	0	0			
32	1	Chainman ...	...	90	0	0			
33	1	Messenger ...	...	70	0	0			
		<b>SALARIES, PROVISIONAL AND TEMPORARY—£403.</b>							
34	1	Draftsman ...	...	176	10	0			
35	1	Do. ...	...	176	10	0			
36	...	Surveyors Temporarily Employed and Extra Labour ...	...	50	0	0			
		<b>CONTINGENCIES—£900.</b>							
37	...	Incidental Expenses ...	...	65	0	0			
38	...	Postage, Telephone Rent, and Telegrams ...	...	200	0	0			
39	...	Stationery, Typewriters, etc. ...	...	600	0	0			
40	...	* Travelling Expenses ...	...	35	0	0			
		Total Land Titles ...	...	...			8723	0	0
		Carried forward ...	...	...			58075	11	5

\* Previously classified under Incidental.

*Appropriation.***ATTORNEY GENERAL—(continued).**

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
		Brought forward ...	...			58075	11	5
		<b>*PATENTS AND TRADE MARKS.</b>						
		<b>SALARIES, FIXED—£950.</b>						
1	1	Registrar of Patents, Registrar of Designs and Trade Marks, and Registrar of Copyrights ...	400	0	0			
2	1	Chief Clerk and Librarian ...	290	0	0			
3	1	Clerk ...	140	0	0			
4	1	Clerk ...	120	0	0			
		<b>CONTINGENCIES—£415.</b>						
5	...	Incidental Expenses ...	20	0	0			
6	...	Stationery, Typewriters, etc. ...	20	0	0			
7	...	Postage, Telephone Rent, and Telegrams ...	50	0	0			
8	...	Fees to Examiners ...	200	0	0			
9	...	Grant to Patent Library and for Compilation of "Abridgments." ...	125	0	0			
		Total Patents and Trade Marks ...	...			1365	0	0
		<b>OFFICIAL RECEIVER IN BANKRUPTCY.</b>						
		<b>SALARIES, FIXED—£1,645.</b>						
1	1	Official Receiver in Bankruptcy ...	400	0	0			
2	1	Clerk and Accountant ...	270	0	0			
3	1	Shorthand Writer and Typist ...	200	0	0			
4	1	Clerk ...	210	0	0			
5	1	Do. ...	180	0	0			
6	1	Do. ...	170	0	0			
7	1	Do. ...	115	0	0			
8	1	Do. ...	100	0	0			
		<b>CONTINGENCIES—£245.</b>						
9	...	Incidental ...	5	0	0			
10	...	Postage, Telephone Rent, and Telegrams ...	150	0	0			
11	...	Stationery, Typewriters, etc. ...	75	0	0			
12	...	Water, Fuel, Lighting, and Sanitary ...	15	0	0			
		Total Official Receiver in Bankruptcy ...	...			1890	0	0
		<b>CURATOR OF INTESTATE ESTATES.</b>						
		<b>SALARIES, FIXED—£630.</b>						
1	1	Curator of Intestate Estates ...	275	0	0			
2	1	Clerk and Accountant ...	185	0	0			
3	1	Clerk ...	170	0	0			
		Carried forward ...	630	0	0	61330	11	5

\* Previously under Registry.

*Appropriation.***ATTORNEY GENERAL—(continued).**

Item No.	No. of Persons.		£ s. d.	£ s. d.
		Brought forward ...	...	61330 11 5
		<b>Curator of Intestate Estates—continued.</b>		
		Brought forward ...	630 0 0	
		CONTINGENCIES—£80.		
4	...	Incidental ...	5 0 0	
5	...	Postage, Telephone Rent, and Telegrams ...	50 0 0	
6	...	Stationery, Typewriters, etc. ...	20 0 0	
7	...	Water, Fuel, Lighting, and Sanitary ...	5 0 0	
		Total Curator of Intestate Estates ...	...	710 0 0
		<b>FRIENDLY SOCIETIES.</b>		
		SALARIES, FIXED—£340.		
1	1	Registrar of Friendly and Benefit Building Societies and Government Actuary ...	450 0 0	
2	1	Clerk and Accountant ...	200 0 0	
3	1	Statistical Clerk ...	190 0 0	
		SALARIES, PROVISIONAL AND TEMPORARY—£60.		
4	1	Junior Clerk and Typist ...	60 0 0	
		CONTINGENCIES—£140.		
5	...	Incidental Expenses ...	40 0 0	
6	...	Stationery, Typewriters, etc. ...	40 0 0	
7	...	Postage, Telephone Rent, and Telegrams ...	40 0 0	
8	...	*Travelling Expenses ...	20 0 0	
		<b>Industrial Conciliation and Arbitration Act, 1900.</b>		
		SALARIES—PROVISIONAL AND TEMPORARY, £350.		
9	1	Clerk ...	150 0 0	
10	1	Clerk of Arbitration Court ...	50 0 0	
11	1	Clerk of Awards, South-West Industrial District ...	50 0 0	
12	1	Do. Eastern do. ...	50 0 0	
12	1	Do. Western do. ...	25 0 0	
14	1	Do. North-West do. ...	25 0 0	
		CONTINGENCIES—£790.		
15	...	Incidental Expenses (including Fees of Board and Court) ...	700 0 0	
16	...	Postages and Telegrams ...	40 0 0	
17	...	Travelling Expenses ...	50 0 0	
		Total Friendly Societies ...	...	2180 0 0
		Carried forward ...	...	64220 11 5

\* Previously classified under Incidental.

*Appropriation.***ATTORNEY GENERAL—(continued).**

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
		Brought forward ...	...			64220	11	5
		<b>PREMIER'S DEPARTMENT.</b>						
		<b>SALARIES, FIXED—£1,130.</b>						
1	1	Under Secretary ...	200	0	0			
2	1	Chief Clerk ...	425	0	0			
3	1	Registrar ...	190	0	0			
4	1	Correspondence and Shorthand Clerk ...	200	0	0			
5	1	Messenger ...	115	0	0			
		<b>CONTINGENCIES—£7,415.</b>						
6	...	Incidental Expenses ...	10	0	0			
7	...	Postage, Telephone Rent, and Telegrams ...	150	0	0			
8	...	Stationery ...	40	0	0			
9	...	*Expenses of 1st, 2nd, and 3rd South African Contingents	6740	0	0			
10	...	*Expenses of State Ceremonials ...	355	0	0			
11	...	*Expenses of Military Demonstrations in connection with the opening of the Federal Parliament in Melbourne	120	0	0			
		Total Premier's Department ...				8545	0	0
		<b>POLICE.</b>						
		<b>SALARIES, FIXED—£83,826 2s. 6d.</b>						
		<i>Chief Office—</i>						
1	1	Commissioner ...	750	0	0			
2	1	Chief Clerk and Accountant ...	350	0	0			
3	1	Clerk ...	235	0	0			
4	1	Do. and Storekeeper ...	225	0	0			
5	1	Do. ...	200	0	0			
6	1	Do. ...	175	0	0			
7	1	Do. Storekeeper's Branch ...	170	0	0			
8	1	Do. ...	170	0	0			
9	1	Clerk ...	165	0	0			
10	1	Do. ...	90	0	0			
11	1	Junior Clerk ...	75	0	0			
12	1	Messenger ...	50	0	0			
13	1	Storeman, at 7s. 6d. per diem ...	136	17	6			
		<i>Constabulary—</i>						
14	1	Superintendent ...	375	0	0			
15	1	Inspector ...	325	0	0			
16	1	Do. ...	325	0	0			
17	1	Do. ...	325	0	0			
18	1	Do. ...	325	0	0			
19	1	Do. ...	325	0	0			
20	1	Do. ...	325	0	0			
		Carried forward ...	5116	17	6	72765	11	5

\* Previously provided for under Defence.

*Appropriation.***ATTORNEY GENERAL—(continued).**

Item No.	No. of Persons.		£ s. d.	£ s. d.
		Brought forward	...	72765 11 5
		<b>Police—continued.</b>		
		Brought forward	5116 17 6	
		<i>Constabulary—continued.</i>		
21	1	Sub-Inspector	300 0 0	
22	1	Do.	300 0 0	
23	1	Do.	300 0 0	
24	1	Do.	275 0 0	
25	1	Do.	225 0 0	
26	1	Do.	225 0 0	
27	1	Do.	225 0 0	
28	1	Do.	225 0 0	
29	1	Do.	225 0 0	
30-55	26	Sergeants at 11s. a day each	5219 10 0	
56-83	28	Corporals at 9s. 6d. a day each	4854 10 0	
84-257	174	First Class Constables at 8s. 6d. a day	26991 15 0	
258-454	197	Second Class Constables at 7s. 6d. a day	26964 7 6	
455-469	15	Probation Constables at 6s. 6s. a day each (Reserve)	1779 7 6	
470-493	24	Probation Constables at 6s. a day each	2628 0 0	
		<i>Water Police—</i>		
494	1	Sergeant at 11s. a day	200 15 0	
495	1	Coxswain at 9s. 6d. a day	173 7 6	
496-506	11	Constables at 8s. 6d. a day each	1706 7 6	
507-520	14	Do. at 7s. 6d. a day each	1916 5 0	
521-522	2	Do. at 7s. 6d. a day each (River Police)	273 15 0	
		<i>Detective Branch—</i>		
523	1	Inspector	325 0 0	
524-525	2	Constables at 13s. a day each	474 10 0	
526-530	5	Do. at 12s. a day each	1095 0 0	
531-539	9	Do. at 11s. a day each	1806 15 0	
		<b>SALARIES, PROVISIONAL AND TEMPORARY—£995.</b>		
540	...	Special Constables and Native Trackers	300 0 0	
541	...	Special Police Patrol in Kimberley District	500 0 0	
542	1	Lock-up Cleaner, Perth, from 14th October, 1901, to 30th June, 1902, at 7s. 6d. per day	97 10 0	
543	1	Lock-up Cleaner, Fremantle, from 14th October, 1901, to 30th June, 1902, at 7s. 6d. per day	97 10 0	
		<b>ALLOWANCES—£13,580.</b>		
544	...	Lodging Allowance in lieu of Quarters	5530 0 0	
545	...	Ration Allowance—Special to Police in certain Districts	5250 0 0	
546	...	Allowance for Maintenance of Native Trackers	2670 0 0	
547	...	Allowance in lieu of Uniforms to Chief Inspector and 6 Inspectors at £15 each	105 0 0	
548	...	Allowance to Inspector Criminal Investigation Branch...	25 0 0	
		Carried forward	98701 2 6	72765 11 5

NOTE.—The salaries and allowances of one Sergeant and five Constables employed exclusively at the Royal Mint, amounting to £1,061 13s. 3d. are provided for in this Estimate, and will be refunded by the Mint authorities.

*Appropriation.***ATTORNEY GENERAL—(continued).**

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
		Brought forward ...	...			72765	11	5
		<b>Police—continued.</b>						
		Brought forward ...	98401	2	6			
		<b>CONTINGENCIES—£29,350.</b>						
549	...	Arms and Ammunition ...	300	0	0			
550	...	Clothing ...	4000	0	0			
551	...	Remounts ...	800	0	0			
552	...	Travelling Expenses and Transport (including Travelling of Special Constables) ...	7500	0	0			
553	...	Information ...	100	0	0			
554	...	Shoeing and Saddlery ...	1300	0	0			
555	...	Forage ...	5700	0	0			
556	...	Rent ...	300	0	0			
557	...	Fuel and Light for Lockups and Stations ...	600	0	0			
558	...	Subsidy to Police Benefit Fund—viz., Rewards £100, Gratuities £1,000 ...	1100	0	0			
559	...	Incidental Expenses ...	1250	0	0			
560	...	Postage, Telephone Rent, and Telegrams ...	2100	0	0			
561	...	Stationery, Typewriters, etc. ...	350	0	0			
562	...	Photography ...	50	0	0			
563	...	Sanitary Services for Police Stations and Lockups ...	250	0	0			
564	...	Water Supply for Stations and Lockups ...	250	0	0			
565	...	*Provisions to Unsented Prisoners in Charge of Police ...	1600	0	0			
566	...	*Transport of Unsented Prisoners in Charge of Police ...	600	0	0			
567	...	Steam Launch ...	1000	0	0			
568	...	Band Instruments ...	100	0	0			
		Total Police ...	...			127651	2	6
		<b>ABORIGINES.</b>						
1	...	Promoting the Welfare of the Aboriginal Natives ...	5000	0	0			
		Total Aborigines ...	...			5000	0	0
		Carried forward ...	...			205416	13	11

\* Previously paid for from Gaol Votes.

## Appropriation.

## ATTORNEY GENERAL—(continued).

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
		Brought forward ...	...			205416	13	11
<b>A U D I T.</b>								
SALARIES, FIXED—£4,033 10s. 10d.								
1	1	Auditor General ...	700	0	0			
2	1	Chief Clerk ...	425	0	0			
3	1	Chief Inspector of Accounts ...	350	0	0			
4	1	Inspector of Accounts ...	345	0	0			
5	1	Do. do. ...	345	0	0			
6	1	Clerk and Examiner ...	245	0	0			
7	1	Do. do. ...	220	0	0			
8	1	Do. ...	220	0	0			
9	1	Do. ...	200	0	0			
10	1	Do. (1st July to 15th August, at £195; 1st Sept. to 30th June, at £185) ...	178	10	10			
11	1	Do. ...	185	0	0			
12	1	Do. ...	160	0	0			
13	1	Do. ...	130	0	0			
14	1	Do. ...	180	0	0			
15	1	* Typist and Shorthand Writer ...	150	0	0			
SALARIES, PROVISIONAL AND TEMPORARY—£2,457 7s. 5d.								
16	1	Clerk and Examiner ...	240	0	0			
17	1	Do. do. ...	215	0	0			
18	1	Do. ...	180	0	0			
19	1	Do. ...	180	0	0			
20	1	Do. ...	160	0	0			
21	1	Do. ...	160	0	0			
22	1	Do. ...	160	0	0			
23	1	Do. ...	130	0	0			
24	1	Do. ...	160	0	0			
25	1	Do. ...	160	0	0			
26	1	Do. ...	150	0	0			
27	1	Do. ...	150	0	0			
28	1	Do. ...	150	0	0			
29	1	Do. (10th July to 30th June, at £150 p.a.) ...	146	7	5			
30	1	Do. ...	80	0	0			
31	1	Office Cleaner ...	36	0	0			
CONTINGENCIES—£430.								
32	...	Incidental Expenses ...	40	0	0			
33	...	Postage, Telephone Rent, and Telegrams ...	50	0	0			
34	...	Stationery, Typewriters, etc. ...	40	0	0			
35	...	† Travelling Expenses ...	300	0	0			
Total Audit ...						6920	18	3
Total Attorney General ...						212337	12	2
Amount brought forward from Total to LEGISLATIVE ASSEMBLY ...						11389	0	0
Amount carried forward to Total COLONIAL TREASURER ...						223726	12	2

\* Previously under Provisional and Temporary.

† Previously classified under Incidental.

*Appropriation.***COLONIAL TREASURER.**

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
<b>TREASURY.</b>								
<b>SALARIES, FIXED—£7,645.</b>								
1	1	Colonial Treasurer (Civil List.)						
		Under Treasurer ...	650	0	0			
<i>Accounting Branch—</i>								
2	1	Accountant ...	440	0	0			
3	1	Paymaster and Receiver ...	365	0	0			
4	1	Examiner and Public Debt Ledgerkeeper ...	365	0	0			
5	1	Bookkeeper ...	225	0	0			
6	1	Clerk ...	200	0	0			
7	1	Do. ...	200	0	0			
8	1	Do. ...	180	0	0			
9	1	Do. ...	180	0	0			
10	1	Do. ...	180	0	0			
11	1	Do. ...	180	0	0			
12	1	Do. ...	180	0	0			
13	1	Do. ...	170	0	0			
14	1	Do. ...	160	0	0			
15	1	Do. ...	140	0	0			
16	1	Do. ...	130	0	0			
17	1	Do. ...	130	0	0			
18	1	Do. ...	120	0	0			
19	1	Do. ...	110	0	0			
20	1	Do. ...	110	0	0			
21-22	2	Junior Clerks at £80 per annum each	160	0	0			
23	1	Messenger ...	70	0	0			
<i>Companies Duty Act, 1899—</i>								
24	1	Collector ...	250	0	0			
<i>Correspondence Branch—</i>								
25	1	Registrar ...	275	0	0			
26	1	Shorthand Clerk and Typist ...	140	0	0			
27	1	Clerk ...	140	0	0			
28	1	Clerk to Minister ...	225	0	0			
<i>District Officers—</i>								
29	1	Cashier, Albany ...	60	0	0			
30	1	Clerk, Albany ...	170	0	0			
31	1	Cashier, Bunbury ...	260	0	0			
32	1	Do. Broad Arrow ...	25	0	0			
33	1	Do. Coolgardie ...	260	0	0			
34	1	Do. Cue ...	50	0	0			
35	1	Do. Geraldton ...	60	0	0			
36	1	Clerk, Geraldton ...	150	0	0			
37	1	Cashier, Esperance ...	60	0	0			
38	1	Do. Kalgoorlie ...	260	0	0			
39	1	Do. Kanowna ...	25	0	0			
Carried forward			7055	0	0			



*Appropriation.***COLONIAL TREASURER—(continued).**

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
<b>Treasury—continued.</b>								
		Brought forward ...	7055	0	0			
<b>SALARIES, FIXED—continued.</b>								
<i>District Officers—continued.</i>								
40	1	Cashier Menzies ...	25	0	0			
41	1	Do. Norseman ...	35	0	0			
42	1	Do. Roebourne ...	260	0	0			
43	1	Paymaster, Imperial Accounts ...	100	0	0			
44	1	Clerk do. ...	170	0	0			
<b>SALARIES, PROVISIONAL AND TEMPORARY—£419.</b>								
45	1	Clerk ...	165	0	0			
46	1	Temporary Clerical Assistance ...	140	0	0			
47	1	Office Cleaner ...	54	0	0			
48	1	Caretaker, Public Buildings, Geraldton ...	60	0	0			
<b>CONTINGENCIES—£1,360.</b>								
49	...	Incidental Expenses ...	100	0	0			
50	...	Postage, Telephone Rent, and Telegrams ...	1100	0	0			
51	...	Stationery, Typewriters, etc. ...	150	0	0			
52	...	*Travelling Expenses ...	10	0	0			
		Total Treasury ...				9424	0	0
<b>† POST OFFICE SAVINGS BANK.</b>								
<b>SALARIES, FIXED—£3,686.</b>								
<i>(Head Office Staff).</i>								
1	1	Manager ...	415	0	0			
2	1	Clerk ...	210	0	0			
3	1	Do. ...	180	0	0			
4	1	Do. ...	180	0	0			
5	1	Do. ...	175	0	0			
6	1	Do. ...	175	0	0			
7	1	Do. ...	175	0	0			
8	1	Do. ...	170	0	0			
9	1	Do. ...	170	0	0			
10	1	Do. ...	160	0	0			
11	1	Do. ...	160	0	0			
12	1	Do. ...	155	0	0			
13	1	Do. ...	155	0	0			
14	1	Do. ...	150	0	0			
15	1	Do. ...	145	0	0			
16	1	Do. ...	130	0	0			
17	1	Do. ...	130	0	0			
18	1	Do. ...	130	0	0			
19	1	Do. ...	90	0	0			
		Carried forward ...	3255	0	0	9424	0	0

\* Previously classified under Incidental Expenses. † Previously under Postal and Telegraphs.

*Appropriation.*

## COLONIAL TREASURER—(continued).

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
		Brought forward ...	...			9424	0	0
		<b>Post Office Savings Bank—continued.</b>						
		Brought forward	3255	0	0			
		<b>SALARIES FIXED—continued.</b>						
		<i>Head Office Staff—continued.</i>						
20	1	Clerk ...	90	0	0			
21	1	Do. ...	65	0	0			
22	1	Do. ...	60	0	0			
23	1	Do. ...	60	0	0			
24	1	Do. ...	60	0	0			
25	1	Do. ...	60	0	0			
26	1	Office Cleaner ...	36	0	0			
		<b>SALARIES, PROVISIONAL AND TEMPORARY—£2,600.</b>						
27	...	Proportion of Salaries of District Postmasters, etc., employed on Savings Bank Work ...	2500	0	0			
28	...	Temporary Clerical Assistance ...	100	0	0			
		<b>CONTINGENCIES—£700.</b>						
29	...	Incidental Expenses ...	50	0	0			
30	...	Postage, Telephone Rent, and Telegrams ...	100	0	0			
31	...	Stationery, Typewriters, etc. ...	550	0	0			
		Total Post Office Savings Bank	...			6986	0	0
		<b>LONDON AGENCY.</b>						
		<b>SALARIES, FIXED—£2,699.</b>						
1	1	Agent General ...	1500	0	0			
2	1	Secretary ...	650	0	0			
3	1	Shorthand Writer ...	200	0	0			
4	1	Clerk ...	170	0	0			
5	1	Do. ...	140	0	0			
6	1	Do. ...	39	0	0			
		<b>SALARIES, PROVISIONAL AND TEMPORARY—£388.</b>						
7	1	Clerk ...	180	0	0			
8	1	Do. ...	156	0	0			
9	1	Do. ...	52	0	0			
		<b>CONTINGENCIES—£1,520.</b>						
10	...	Incidental Expenses ...	300	0	0			
11	...	Rent of Offices (including cleaning, fuel, and light) ...	450	0	0			
12	...	Postage, Telephone Rent, and Telegrams ...	600	0	0			
13	...	Stationery, Typewriters, etc. ...	120	0	0			
14	...	*Travelling Expenses ...	50	0	0			
		Total London Agency	...			4607	0	0
		Carried forward	...			21017	0	0

\* Previously classified under Incidental Expenses.

## Appropriation.

## COLONIAL TREASURER—(continued).

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
		Brought forward ...	...			21017	0	0
		<b>*EXPLOSIVES AND ANALYTICAL.</b>						
		SALARIES, FIXED—£1,550.						
1	1	Chief Inspector of Explosives and Government Analyst	400	0	0			
2	1	Assistant ... ..	200	0	0			
3	1	Do. ... ..	180	0	0			
4	1	Do. ... ..	100	0	0			
5	1	Clerk and Typist ... ..	180	0	0			
6	1	Caretaker, Fremantle Magazine ... ..	160	0	0			
7	1	Watchman, Powder Magazine ... ..	110	0	0			
8	1	Do. do. ... ..	110	0	0			
9	1	Do. do. ... ..	110	0	0			
		SALARIES, PROVISIONAL AND TEMPORARY—£70.						
10	1	Caretaker ... ..	40	0	0			
11	...	Extra Labour ... ..	30	0	0			
		CONTINGENCIES—£405.						
12	...	Incidental Expenses ... ..	60	0	0			
13	...	Apparatus, Books, Chemicals for Laboratory of Chief Inspector of Explosives ... ..	170	0	0			
14	...	Haulage and Maintenance, Magazine Tramline ... ..	80	0	0			
15	...	Postage, Telephone Rent, and Telegrams ... ..	20	0	0			
16	...	Stationery, Typewriters, etc. ... ..	20	0	0			
17	...	† Travelling Expenses ... ..	55	0	0			
		Total Explosives and Analytical ...	...			2025	0	0
		<b>HARBOUR AND LIGHT.</b>						
		SALARIES, FIXED—£11,279.						
1	1	Chief Harbour Master ... ..	600	0	0			
2	1	Clerk ... ..	265	0	0			
3	1	Assistant Harbour Master and Pilot ... ..	400	0	0			
4	1	Port Pilot ... ..	275	0	0			
5	1	Inspector of Boilers ... ..	260	0	0			
6	1	Berthing Master ... ..	300	0	0			
		Boat's Crew:						
7	1	Coxswain and Assistant Pilot† ... ..	225	0	0			
8	1	Coxswain, 3 months at £200 (3 months £100) p.a. ... ..	75	0	0			
9	1	Leading Hand and Pilot ... ..	185	0	0			
10	1	Boatman and Diver ... ..	120	0	0			
11	1	Boatman and Storeman ... ..	120	0	0			
12	1	Do. ... ..	114	0	0			
13	1	Do. ... ..	114	0	0			
14	1	Do. ... ..	114	0	0			
15	1	Do. ... ..	114	0	0			
16	1	Do. ... ..	114	0	0			
		Carried forward ...	3395	0	0	23042	0	0

\* Previously under Customs. † Previously classified under Incidental Expenses. ‡ Formerly Assistant Pilot, Rottneest, at £225.

## Appropriation.

## COLONIAL TREASURER—(continued).

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
		Brought forward ..	...			23042	0	0
		<b>Harbour and Light—continued.</b>						
		Brought forward .	3395	0	0			
		<b>SALARIES, FIXED—continued.</b>						
17	1	Boatman and Cook ...	114	0	0			
18	1	Carpenter and Shipwright ...	126	0	0			
19	1	Attendant, Cable Telephone ...	120	0	0			
20	1	Do. do. ...	120	0	0			
21	1	<i>Fremanile</i> { Light Keeper ...	126	0	0			
22	1	(contd.) { Assistant Light Keeper ...	120	0	0			
23	1	Do. do. ...	120	0	0			
24	1	Reserve do. ...	24	0	0			
25	1	Pilot ...	275	0	0			
26	1	Assistant Pilot ...	225	0	0			
		<i>Boat's Crew:</i>						
27	1	Leading Hand and Pilot ...	175	0	0			
28	1	Boatman ...	120	0	0			
29	1	Do. ...	114	0	0			
30	1	Do. ...	114	0	0			
31	1	Do. ...	114	0	0			
32	1	<i>Bottnest</i> ... { Do. ...	114	0	0			
33	1	Cook ...	114	0	0			
34	1	Light Keeper ...	132	0	0			
35	1	Assistant do. ...	120	0	0			
36	1	Do. do. ...	120	0	0			
37	1	Light Keeper, Bathurst Point ...	132	0	0			
38	1	Signalman, Telephone ...	114	0	0			
39	1	Do. do. ...	114	0	0			
40	1	Harbour Master and Pilot ...	375	0	0			
41	1	Assistant Pilot ...	300	0	0			
		<i>Boat's Crew:</i>						
42	1	Coxswain ...	200	0	0			
43	1	Boatman ...	114	0	0			
44	1	Do. and Diver ...	114	0	0			
45	1	Do. ...	108	0	0			
46	1	Do. ...	108	0	0			
47	1	Do. ...	108	0	0			
48	1	<i>Albany</i> ... { Cook ...	108	0	0			
49	1	Engine Driver, Steam Launch... ..	132	0	0			
50	1	Signalman, Harbour Office ...	120	0	0			
51	1	Do. do. ...	120	0	0			
52	1	Light Keeper, Point King ...	120	0	0			
53	1	Do. Breaksea Island ...	132	0	0			
54	1	Assistant do. do. ...	120	0	0			
55	1	Do. do. do. ...	120	0	0			
56	1	Reserve do. do. ...	20	0	0			
57	1	<i>Ashburton</i> ... Jetty Light Keeper ...	20	0	0			
58	1	<i>Broome</i> ... Do. do. ...	54	0	0			
		Carried forward ...	8855	0	0	23042	0	0

## Appropriation.

## COLONIAL TREASURER—(continued).

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
		Brought forward ...	...			23042	0	0
		<b>Harbour and Light—continued.</b>						
		•Brought forward ...	8855	0	0			
		<b>SALARIES, FIXED—continued.</b>						
59	1	Harbour Master and Pilot ...	275	0	0			
60	1	Bunbury ... { Boatman ...	120	0	0			
61	1	{ Light Keeper and Caretaker of Jetty ...	100	0	0			
62	1	Bussellton ... { Light Keeper ...	40	0	0			
63	1	{ Do. ...	156	0	0			
64	1	Cape Leeuwin { Assistant Light Keeper ...	150	0	0			
65	1	{ Do. do. ...	150	0	0			
66	1	{ Carter and Reserve Light Keeper ...	114	0	0			
67	1	Carnarvon ... { Light Keeper, Babbage Island ...	120	0	0			
68	1	{ Jetty Light Keeper ...	20	0	0			
69	1	Cossack ... { Light Keeper, Jarman Island ...	150	0	0			
70	1	{ Assistant do. do. ...	132	0	0			
71	1	Dongara (Irwin) Light Keeper ...	80	0	0			
72	1	Derby ... { Jetty Light Keeper ...	20	0	0			
73	1	Esperance Bay, Jetty Light Keeper ...	20	0	0			
74	1	Freshwater Camp, Sharks Bay, Light Keeper ...	20	0	0			
75	1	{ Harbour Master and Pilot ...	225	0	0			
76	1	{ Light Keeper, Point Moore ...	132	0	0			
77	1	{ Assistant do. do. ...	114	0	0			
78	1	Geraldton { Light Keeper, Bluff ...	114	0	0			
79	1	{ Reserve do. do. ...	20	0	0			
80	1	{ Jetty Light Keeper ...	30	0	0			
81	1	{ Boatman ...	102	0	0			
82	1	Wyndham ... { Jetty Light Keeper ...	20	0	0			
		<b>SALARIES, PROVISIONAL AND TEMPORARY—£1,719.</b>						
83	1	Master of "Penguin," and Pilot ...	275	0	0			
64-89	6	1 Engineer and Fitter at £240, 2 Firemen at £120 each, 2 Sailors at £114 each per annum, 1 cook at £120 per annum, "Penguin" ...	828	0	0			
90	...	Extra Labour (including Wages and removing Vessels on arrival) ...	250	0	0			
91	...	Reserve, Lightkeepers, and Extra Labour ...	300	0	0			
92-93	2	Lamplighters, Fremantle Jetty ...	36	0	0			
94	1	Caretaker, Robb's Jetty ...	30	0	0			
		<b>ALLOWANCES—£253.</b>						
95	1	Firewood (in lieu of), Harbour Master, Albany ...	10	0	0			
96	...	Do. do. Pilot, Albany ...	7	0	0			
97-99	3	Sustenance, Rottneest Pilots (while in Fremantle) ...	55	0	0			
100	...	Lodging (Leading Hand, Fremantle) ...	25	0	0			
101	...	Do. (Berthing Master, Fremantle) ...	25	0	0			
102	...	Do. (Lightkeeper, Arthur's Head) ...	25	0	0			
103	...	Do. (Master of "Penguin") ...	25	0	0			
		Carried forward ...	13170	0	0	23042	0	0

*Appropriation.***COLONIAL TREASURER—(continued).**

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
		Brought forward ...	...			23042	0	0
		<b>Harbour and Light—continued.</b>						
		Brought forward ...	13170	0	0			
		<b>ALLOWANCES—continued.</b>						
104	1	Lodging (Boatman and Storeman) ...	25	0	0			
105	1	Do. (Harbour Master, Bunbury) ...	39	0	0			
106	1	Taking Tides, Leading Hand, Fremantle ...	5	0	0			
107	1	Time Ball Attendant, Assistant Light Keeper, Arthur's Head ...	12	0	0			
		<b>CONTINGENCIES—£12,760.</b>						
108	...	Firewood (excepting for Lighthouses) ...	180	0	0			
109	...	Oil, etc., for Lighthouses ...	1580	0	0			
110	...	Beacons and Buoys ...	1600	0	0			
111	...	Repairs, Upkeep, and Purchase of Boats, including Upkeep of Albany Launch ...	400	0	0			
112	...	Upkeep and Insurance, Uniforms for Officers and Crew of "Penguin" ...	1200	0	0			
113	...	Uniforms (other than above) ...	500	0	0			
114	...	Incidental Expenses ...	500	0	0			
115	...	Gas, Oil, Repairs, etc., of Jetty Lamps ...	250	0	0			
116	...	Postage, Telephone Rent, and Telegrams ...	250	0	0			
117	...	Stationery, Typewriters, etc. (including Charts, Books, etc.) ...	200	0	0			
118	...	*Travelling Expenses ...	100	0	0			
119	...	Pilot Boat ...	6000	0	0			
		<b>Steam Tug "Victoria"—£2,490.</b>						
		<b>SALARIES, PROVISIONAL AND TEMPORARY—£1,340.</b>						
120	1	Master ...	240	0	0			
121-123	6	1 Engineer at £240; 1 Artificer at £192, 2 Firemen at £10 per month each, 2 Sailors at £9 10s. per month each ...	900	0	0			
127	...	Extra Labour ...	200	0	0			
		<b>CONTINGENCIES—£1,150.</b>						
128	...	Coal, Ship and Engine Room Stores ...	700	0	0			
129	...	Incidental Expenses (including Insurance) ...	450	0	0			
		<b>Steam Launch "Susan"—£3,223.</b>						
		<b>SALARIES, PROVISIONAL AND TEMPORARY—£544.</b>						
130	1	Master at £13 per month ...	156	0	0			
131-132	2	1 Driver at £13 per month, and 1 Fireman at £11 per month ...	288	0	0			
133	...	Extra Labour ...	100	0	0			
		<b>CONTINGENCIES—£2,679.</b>						
134	...	Upkeep, including Coal, Rent, etc. ...	300	0	0			
135	...	Purchase of Launch ...	2379	0	0			
		Carried forward ...	31724	0	0	23042	0	0

\* Previously classified under Incidental Expenses.

*Appropriation.*

## COLONIAL TREASURER—(continued).

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
		Brought forward ...	...			23042	0	0
		<b>Harbour and Light—continued.</b>						
		Brought forward ...	31724	0	0			
		<b>Steam Tug "Pelican."</b>						
		<b>SALARIES, PROVISIONAL AND TEMPORARY—£240.</b>						
136	1	1 Engineer (6 months at £20 per month) ...	120	0	0			
137-138	2	2 Firemen (6 months at £10 per month each) ...	120	0	0			
		<b>CONTINGENCIES—£750.</b>						
139	...	Coal, Ship and Engine Room Stores ...	400	0	0			
140	...	Incidental Expenses (including Insurance) ...	350	0	0			
		<b>Shipping Master—£405.</b>						
		<b>SALARIES, FIXED—£380.</b>						
141	1	Shipping Master ...	270	0	0			
142-144	3	Officers to carry out provisions of the Passengers Act ...	110	0	0			
		<b>CONTINGENCIES—£25.</b>						
145	...	Incidental Expenses ...	10	0	0			
146	...	Postage, Telephone Rent, and Telegrams ...	10	0	0			
147	...	Stationery ...	5	0	0			
		<b>Total Harbour and Light ...</b>	...			33119	0	0
		<b>GOVERNMENT STORES.</b>						
		<b>SALARIES, FIXED—£6,939 12s. 8d.</b>						
		<i>Office.</i>						
1	1	Government Storekeeper ...	500	0	0			
2	1	Chief Clerk ...	330	0	0			
3	1	Accountant ...	285	0	0			
4	1	Inspector ...	225	0	0			
5	1	Bookkeeper ...	200	0	0			
6	1	Clerk ...	180	0	0			
7	1	Do. ...	180	0	0			
8	1	Do. ...	165	0	0			
9	1	* Do. eight months at £180 per annum ...	120	0	0			
10	1	* Do. do. „ £180 do. ...	120	0	0			
11	1	* Do. do. „ £165 do. ...	110	0	0			
12	1	* Do. do. „ £155 do. ...	103	6	8			
13	1	* Do. do. „ £150 do. ...	100	0	0			
14	1	* Do. do. „ £150 do. ...	100	0	0			
15	1	* Do. do. „ £150 do. ...	100	0	0			
16	1	Junior Clerk ...	100	0	0			
17	1	Do. ...	100	0	0			
18	1	* Typist, eight months at £120 per annum ...	80	0	0			
19	1	* Do. do. „ £65 do. ...	43	6	8			
20	1	* Messenger do. „ £45 do. ...	30	0	0			
21	1	* Do. do. „ £35 do. ...	23	6	8			
		<b>Carried forward ...</b>	3195	0	0	56161	0	0

\* Hitherto charged against goods issued to Departments.

*Appropriation.*

## COLONIAL TREASURER—(continued).

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
		Brought forward ...	...			56161	0	0
		<b>Government Stores—continued.</b>						
		Brought forward ...	3195	0	0			
		<b>SALARIES FIXED—continued.</b>						
		<i>Store.</i>						
22	1	Storeman ...	225	0	0			
23	1	Do. ...	190	0	0			
24	1	*Assistant Storeman, eight months at £180 per annum	120	0	0			
25	1	*Clerk, eight months at £165 per annum	110	0	0			
26-27	2	* Do. do. „ £150 do. ...	200	0	0			
28	1	* Do. do. „ £140 do. ...	93	6	8			
29-30	2	* Do. do. „ £125 do. ...	166	13	4			
31	1	*Labourer do. „ 9s. 6d. per day	99	2	4			
32-33	2	*Labourers do. „ 9s. do. ...	187	16	0			
34-40	7	* Do. do. „ 8s. 6d. do. ...	620	15	8			
41-57	17	* Do. do. „ 8s. do. ...	1418	18	8			
58	1	*Labourer do. „ 7s. do. ...	73	0	8			
59-61	3	*Labourers (youths), eight months at 4s. 6d. per day	140	17	0			
62	1	*Foreman, eight months at 9s. 6d. per day	99	2	4			
		<b>SALARIES, PROVISIONAL AND TEMPORARY—£1,250.</b>						
63	...	Clerks and Labourers occasionally employed ...	1250	0	0			
		<b>CONTINGENCIES—£935.</b>						
64	...	Incidental Expenses ...	175	0	0			
65	...	Transport, Government Stores, etc. ...	150	0	0			
66	...	Postage, Telephone Rent, and Telegrams ...	200	0	0			
67	...	Stationery, Typewriters, etc. ...	80	0	0			
68	...	Water, Lighting, Fuel, and Sanitary Services...	50	0	0			
69	...	Advertising ...	200	0	0			
70	...	†Travelling expenses ...	80	0	0			
		<b>Total Government Stores</b> ...	...			9124	12	8
		<b>LITERARY, SCIENTIFIC, AND AGRICULTURAL GRANTS, etc.</b>						
1	...	Victoria Public Library, Annual Upkeep ...	3000	0	0			
2	...	Mechanics' Institutes and Working Men's Associations and Art Societies, etc....	1750	0	0			
3	...	Agricultural and Horticultural Societies and Trades Galas	1200	0	0			
4	...	Perth Museum and Art Gallery ...	3800	0	0			
5	...	Deaf and Dumb Institute ...	500	0	0			
6	...	Zoological Gardens ...	3900	0	0			
7	...	Grant to Home Teaching Society for the Blind	500	0	0			
8	...	Grant for Sailors' Home, Albany ...	50	0	0			
9	...	Grant for Adelaide Public Examinations	100	0	0			
10	...	‡Grant for Acclimatisation of Fish, Birds, and Animals	250	0	0			
		<b>Total Literary, Scientific, and Agricultural Grants, etc.</b>	...			15050	0	0
		<b>Carried forward</b> ...	...			80335	12	8

\* Hitherto charged against goods issued to Departments. † Previously classified under Incidental Expenses. ‡ Previously under "Fisheries."



*Appropriation.*

## COLONIAL TREASURER—(continued).

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
		Brought forward ...	...			80335	12	8
<b>PENSIONS.</b>								
1	...	H. P. Loftie Late Deputy Surveyor General ...	58	6	8			
2	...	H. B. Grimaldi „ Colonial Chaplain ...	20	0	0			
3	...	H. Spencer „ First-Class Clerk ...	112	10	0			
4	...	John Costello „ Cooper, Customs, Bunbury ...	8	8	0			
5	...	Mary Benson „ Matron, Fremantle Gaol ...	2	18	4			
6	...	G. Sadler „ Chaplain, Gingin ...	50	0	0			
7	...	Mrs. Pyke „ Matron, Lunatic Asylum ...	14	10	3			
8	...	Mrs. McMullen „ Do. Fremantle Prison ...	5	0	0			
9	...	Cecil Rogers „ Resident Medical Officer, Albany ...	46	13	4			
10	...	A. Woodbridge „ Gaoler, Perth Prison ...	85	13	4			
11	...	Mrs. Woodbridge „ Matron do. ...	24	0	0			
12	...	T. W. Salkild „ Warder and Clerk, Perth Prison ...	34	16	8			
13	...	O. Griffin „ Warder, Fremantle Lunatic Asylum ...	11	14	2			
14	...	E. T. Troode „ Chief Clerk, Customs ...	250	0	0			
15	...	G. B. Humble „ Schoolmaster, Fremantle ...	125	0	0			
16	...	A. Oliver „ Principal Warder, Rottneſt ...	68	12	0			
17	...	Theresa Strappini „ Schoolmistress, Geraldton ...	35	10	8			
18	...	Mrs. Growse „ Do. Northam ...	24	13	7			
19	...	J. W. Johnson „ Schoolmaster, Dongara ...	33	6	4			
20	...	W. Hymus „ Schoolmaster, Pinjarra ...	59	7	7			
21	...	J. Withers „ Colonial Chaplain ...	60	8	4			
22	...	Mrs. R. Robins „ Schoolmistress, Beverley ...	13	15	6			
23	...	Thos. John „ Principal Warder, Lunatic Asylum ...	39	8	0			
24	...	Mrs. Sutcliffe „ Postmistress, Pinjarra ...	37	10	0			
25	...	James Hasleby „ Schoolmaster, Northampton ...	38	10	9			
26	...	J. C. Rosselloty „ Resident Magistrate, Williams ...	46	14	2			
27	...	S. N. Walcott „ School Teacher, Rottneſt ...	46	13	4			
28	...	M. Nugent „ Nurse, Lunatic Asylum ...	29	4	0			
29	...	W. Mayhew „ Resident Medical Officer, New-castle ...	69	12	4			
30	...	G. J. Bell „ Warder, Lunatic Asylum ...	27	8	5			
31	...	J. Craig „ Do. Fremantle Prison ...	27	14	5			
32	...	M. Park „ Do. do. ...	32	17	10			
33	...	T. Finnigan „ Office Keeper, Government House ...	32	10	0			
34	...	A. P. Curtis „ Clerk, General Post Office ...	139	1	5			
35	...	D. G. Watkins „ Colonial Chaplain ...	130	0	0			
36	...	Mrs. B. Spurling „ Assistant Teacher, Guildford Girls' School ...	47	0	8			
37	...	Jas. Clough „ Locomotive Foreman ...	62	16	8			
38	...	W. Gilbertson „ Orderly, Mount Eliza Depôt ...	17	10	0			
39	...	W. Bell „ Head Master, Perth Boys' School ...	150	0	0			
		Carried forward ...	2119	16	9	80335	12	8

*Appropriation.*

## COLONIAL TREASURER—(continued).

Item No.	No. of Persons.		£	s	d.	£	s	d.
		Brought forward ...	...			80335	12	8
		<b>Pensions—continued.</b>						
		Brought forward ...	2119	16	9			
40	...	Mrs. A. G. Price Late Mistress, Infant School, Fremantle	32	5	3			
41	...	E. C. Dean „ Chief Draftsman, Survey Department	175	0	0			
42	...	Miss C. Doolan „ Postmistress, Dardanup	6	0	0			
43	...	Mrs. E. Bell „ Schoolmistress, Onslow	33	11	5			
44	...	John S. Brooking „ Deputy Surveyor General	250	0	0			
45	...	John Crampton „ Postmaster, Brunswick	11	0	0			
46	...	W. R. Clifford „ Bookbinder, Government Printing Office	81	4	4			
47	...	Mrs. C. Pass „ Nurse, Lunatic Asylum	22	15	0			
48	...	W. Mather „ Locomotive Superintendent	150	0	0			
49	...	S. Hope „ Superintendent Fremantle Prison	107	11	2			
50	...	W. J. Coppin „ Lineman, Telegraph Department, Perth	39	2	3			
51	...	Miss A. Horley „ Schoolmistress, York Infant School	62	1	6			
52	...	Mrs. E. Milne „ Assistant, Albany School	52	5	0			
53	...	Mrs. Armstrong „ Matron, Fremantle Lunatic Asylum	69	19	5			
54	...	Miss S. Commerford „ Postmistress, Claremont	40	0	0			
55	...	Mrs. J. Stanley „ Schoolmistress, Bridgetown	39	9	2			
56	...	G. T. Poole „ Assistant Engineer-in-Chief	170	0	0			
57	...	Miss E. Reddaway „ School Teacher, Fremantle Infant School	60	1	1			
58	...	Miss J. Boyd „ Schoolmistress, York	82	13	4			
59	...	S. Gardiner „ Inspector of Schools	214	8	10			
60	...	Mrs. Alice Ecclestone „ Schoolmistress, Boyanup	24	18	2			
61	...	Henry Blinco „ Principal Warder, Fremantle Prison	45	10	7			
62	...	J. C. Rosselloty „ Resident Medical Officer, Williams	75	12	6			
63	...	E. F. Angelo „ Superintendent, Rottnest	114	11	10			
64	...	J. F. Stone „ Immigration Agent and Officer to carry out Passengers Act	17	10	0			
65	...	H. M. Thomas „ Clerk of Court, Albany	149	7	5			
66	...	F. L. Hussey „ Chief Accountant, Treasury	282	7	2			
67	...	H. Passmore „ Officer in charge Black Swan Dredge	112	9	6			
68	...	R. C. Loftie „ Government Resident, Albany	360	0	0			
69	...	W. Boyle „ Senior Warder, Fremantle Gaol	42	18	6			
70	...	J. H. Munday „ Schoolmaster, Guildford	97	4	4			
71	...	J. J. Stephens „ Photo-lithographer, Survey Department	112	10	0			
		Carried forward ...	5254	4	6	80335	12	8

*Appropriation.***COLONIAL TREASURER—(continued).**

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
		Brought forward ...	...			80335	12	8
		<b>Pensions—continued.</b>						
		Brought forward ...	5254	4	6			
72	...	Col. E. W. Haynes late Second Master, High School Perth ...	100	0	0			
73	...	Lt.-Col. C. D. Forbes „ Secretary Central Board of Health... ..	50	0	0			
74	...	Sergt. McCarthy „ Magazine Caretaker, Fre- mantle ... ..	59	2	3			
75	...	Mrs. Helmich Widow of the late Post- master General ...	50	0	0			
76	...	C. Fuchs „ Assistant Accountant, Rail- way Department ...	133	6	8			
77	...	J. Bovell „ Senior Warder, Fremantle Prison ... ..	50	4	0			
78	...	W. Perrin „ Schoolmaster, Wongamine ...	55	0	0			
79	...	R. Pether „ Government Printer ...	400	16	8			
80	...	Mrs. Courthope Widow of the late Auditor General ... ..	50	0	0			
81	...	Mrs. M. L. Green Old Colonist ... ..	12	0	0			
82	...	Dr. Ingoldby „ District Medical Officer, Albany (1st April, 1901 to 30th June, 1902) ... ..	125	0	0			
83	...	O. P. Stables „ Secretary, Education Depart- ment ... ..	220	16	8			
84	...	Mrs. Hawkins Widow of the late Chief Warder, Fremantle Lunatic Asylum ... ..	50	0	0			
85	...	E. G. Back „ Inspector of Police (9 months at £67 8s. 7d. per annum)	50	11	5			
		Total Pensions ... ..	...			6661	2	2
		<b>REFUNDS.</b>						
1	...	Refunds ... ..	1000	0	0			
		Total Refunds ... ..	...			1000	0	0
		Carried forward ... ..	...			87996	14	10

*Appropriation.*

## COLONIAL TREASURER—(continued).

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
		Brought forward ...	...			87996	14	10
		<b>MISCELLANEOUS SERVICES.</b>						
1	...	Destruction of Wild Dogs ...	1000	0	0			
2	...	Royal Humane Society of Australasia ...	20	0	0			
3	...	Incidental Expenses ...	8000	0	0			
4	...	Grant-in-aid to Society for Prevention of Cruelty to Animals ...	100	0	0			
5	...	Subsidy to Municipalities at 15s. in the £ for rates collected to amount of £20,000, above that amount 10s. in the £ ...	55000	0	0			
6	...	Expenses connected with W. A. Court in Imperial Institute ...	100	0	0			
7	...	Improvements to Site new Perth Cemeteries ...	500	0	0			
8	...	Commission on Interest paid by the Crown Agent and the London and Westminster Bank ...	4500	0	0			
9	...	Perth Park—General purposes, £2,500; Construction of Road to connect Rokeby Road with Circular Drive, £500	3000	0	0			
10	...	Grant-in-Aid, Salvation Army, for Rescue and Prison-gate Work ...	200	0	0			
11	...	Annuity to Timothy Yorke for injuries at Rocky Bay Quarries ...	75	0	0			
12	...	Fremantle Cemetery ...	300	0	0			
13	...	Glasgow Exhibition ...	3000	0	0			
14	...	Boulder Fire Brigade, Purchase of Engine ...	500	0	0			
15	...	Contribution towards Fire Brigade Board ...	300	0	0			
16	...	Leederville Fire Brigade, Special Grant for Station Buildings ...	250	0	0			
17	...	Leonora Fire Brigade, Special Grant ...	250	0	0			
18	...	Southern Cross Fire Brigade, Buildings, etc. ...	250	0	0			
19	...	Victoria Park Fire Brigade, Purchase of Hose ...	50	0	0			
20	...	Grant-in-Aid Home of Peace, £ for £, towards buildings	500	0	0			
21	...	Bulong Cemetery Improvements ...	50	0	0			
22	...	Coolgardie do. ...	50	0	0			
23	...	Gingin do. ...	50	0	0			
24	...	Kunanalling do. ...	50	0	0			
25	...	Leonora do. ...	50	0	0			
26	...	Meckering do. ...	50	0	0			
27	...	Magnet do. ...	50	0	0			
28	...	Malcolm do. ...	50	0	0			
29	...	Mt. Morgans do. ...	50	0	0			
30	...	Norseman do. ...	50	0	0			
31	...	Pingelly do. ...	50	0	0			
32	...	Collie Municipal Council, Grant towards Initial Expenses	300	0	0			
33	...	Grant for Erection of a Public Pound at Donnybrook ...	25	0	0			
34	...	Fencing Crown Lands in Perth ...	103	0	0			
35	...	Honorarium to Mr. W. L. Vernon for services rendered in connection with Designs for New Houses of Parliament ...	105	0	0			
36	...	Honoraria to Competitors for Designs for New Houses of Parliament ...	400	0	0			
37	...	Resumption of portion of Swan Location 64 for Roadway	50	0	0			
		Carried forward ...	79428	0	0	87996	14	10

*Appropriation.*

## COLONIAL TREASURER—(continued).

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
		Brought forward ...				87996	14	10
		<b>Miscellaneous—continued.</b>						
		Brought forward ...	79428	0	0			
38	...	Commonwealth Celebration Expenses ...	100	0	0			
39	...	*Expenses of Ministerial and Parliamentary Visits ...	300	0	0			
40	...	Grant to Mt. Magnet Municipal Council for Removal of Bodies interred in Hepburn Street ...	20	0	0			
41	...	Grant to Boulder Municipal Council to recoup Moneys advanced to Local Board of Health ...	250	0	0			
42	...	Compassionate Allowance to the Widow of the late Jno. Adam, R.M., Northam ...	150	0	0			
43	...	Grant towards Erection of Memorial to W.A. Fallen Soldiers, £ for £ ...	1000	0	0			
44	...	Purchase of House and Land for Quarters for Head Teacher, Perth Boys' School ...	850	0	0			
45	...	Purchase of Site for West Leederville School Teachers' Quarters ...	145	0	0			
46	...	Purchase of Harvey School Site ...	22	10	0			
47	...	Grant to Fire Brigades, £ for £ ...	2000	0	0			
48	...	Gratuity to the Widow of the late Lieut. Bryan, Bandmaster Headquarters Band ...	100	0	0			
49	...	Award and Costs, Harney and Others v. Minister of Mines	10078	14	3			
50	...	Purchase of 6,000 Copies of the Publication, "Fremantle: the Golden Gate of Australia" ...	350	0	0			
51	...	Expenses in connection with the Visit of their Royal Highnesses the Duke and Duchess of Cornwall and York ...	27000	0	0			
52	...	Cost of Statutes for Members of Parliament ...	270	0	0			
53	...	Cost of Free Passes for Members of Parliament over Midland Railway Line ...	530	0	0			
54	...	Amount required to recoup the Post Office Savings Bank for Loan to Coolgardie Municipal Council in connection with the Exhibition, and Interest to 30th September, 1901 ...	3337	10	0			
55	...	Bonus on Lead Ore ...	100	0	0			
56	...	Purchase of 10,000 copies of the <i>Review of Reviews</i> ...	6	1	0			
57	...	Compensation to Mr. R. G. Burges for Improvements to Pastoral Leases ...	90	0	0			
58	...	Recreation Ground, North Perth ...	700	0	0			
59	...	Fresh Air League £ for £ subsidy ...	350	0	0			
60	...	Gratuity to J. McCartney on his retirement from the Police Force by reason of unfitness for further service through ill-health ...	200	0	0			
61	...	Grant to Trades-and-Labour Council in lieu of land at Fremantle ...	2000	0	0			
		Total Miscellaneous ...				129377	15	3
		<b>Total Colonial Treasurer</b> ...				217374	10	1
		Amount brought forward from ATTORNEY GENERAL ...				223726	12	2
		Amount carried forward from COLONIAL SECRETARY ...				141101	2	3

\* Previously under Incidental Expenses, £200.

*Appropriation.***COLONIAL SECRETARY.**

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
<b>OFFICE OF COLONIAL SECRETARY.</b>								
SALARIES, FIXED—£1,865 9s. 3d.								
Colonial Secretary (Civil List).								
1	1	Under Secretary ...	600	0	0			
2	1	Do. 1st to 14th July at £650 per annum ...	24	9	3			
3	1	Chief Clerk ...	400	0	0			
4	1	Registrar and Clerk ...	250	0	0			
5	1	Shorthand Clerk ...	200	0	0			
6	1	Clerk ...	125	0	0			
7	1	Office Keeper, Public Offices ...	140	0	0			
8	1	Messenger ...	40	0	0			
9	1	Housekeeper ...	50	0	0			
10	1	Office Cleaner ...	36	0	0			
CONTINGENCIES—£380.								
11	...	Incidental Expenses ...	90	0	0			
12	...	Postage, Telephone Rent, and Telegrams ...	150	0	0			
13	...	Stationery, Typewriters, etc. ...	40	0	0			
14	...	Binding Newspapers ...	15	0	0			
15	...	Expenses in connection with the Immigration Restriction Act ...	30	0	0			
16	...	Water and Sanitation, Barracks, Fremantle ...	50	0	0			
17	...	*Travelling Expenses ...	5	0	0			
Total Office Colonial Secretary ...						2245	9	3
<b>MEDICAL.</b>								
SALARIES, FIXED—£27,005 18s.								
1	1	Principal Medical Officer ...	500	0	0			
2	1	Chief Clerk ...	250	0	0			
3	1	Accountant ...	200	0	0			
4	1	Shorthand Clerk and Typist ...	170	0	0			
5	1	Bookkeeper ...	165	0	0			
6	1	Messenger ...	65	0	0			
7	1	District Medical Officer ...	150	0	0			
8	1	Matron ...	100	0	0			
9	1	Nurse ...	50	0	0			
10	1	Do. ...	50	0	0			
11	1	Orderly ...	52	0	0			
12	1	<i>Albany</i> ... Cook ...	52	0	0			
13	1	Housemaid ...	39	0	0			
14	1	Quarantine Officer ...	200	0	0			
15	1	Caretaker, Quarantine Station ...	85	0	0			
16	1	Matron do. ...	50	0	0			
17	1	Assistant do. ...	35	0	0			
18	1	<i>Beverley</i> ... District Medical Officer ...	150	0	0			
Carried forward ...			2363	0	0	2245	9	3

\* Previously classified under Incidental.

## Appropriation.

## COLONIAL SECRETARY—(continued).

Item No.	No. of Persons.			£	s.	d.	£	s.	d.
			Brought forward ...	...			2245	9	3
			<b>Medical—continued.</b>						
			Brought forward ...	2363	0	0			
			<b>SALARIES, FIXED—continued.</b>						
19	1		District Medical Officer ...	150	0	0			
20	1		Nurse in Charge ...	75	0	0			
21	1	<i>Bridgetown</i>	Orderly ...	52	0	0			
22	1		Cook and Laundress ...	52	0	0			
23	1		District Medical Officer and Quarantine Officer ...	250	0	0			
24	1	<i>Broome</i> ...	Orderly ...	90	0	0			
25	1		Cook ...	60	0	0			
26	1		District Medical Officer and Quarantine Officer ...	200	0	0			
27	1		Matron ...	100	0	0			
28	1		Nurse ...	50	0	0			
29	1		Do. ...	50	0	0			
30	1		Do. ...	50	0	0			
31	1		Nurse, Junior ...	40	0	0			
32	1	<i>Bunbury</i> ...	Housemaid ...	39	0	0			
33	1		Wardmaid ...	39	0	0			
34	1		Do. ...	39	0	0			
35	1		Orderly ...	60	0	0			
36	1		Cook ...	52	0	0			
37	1		Laundress ...	78	0	0			
38	1		District Medical Officer and Quarantine Officer ...	150	0	0			
39	1	<i>Busselton</i>	Nurse in charge ...	75	0	0			
40	1		Cook and Laundress ...	52	0	0			
41	1		District Medical Officer and Quarantine Officer ...	250	0	0			
42	1	<i>Carnarvon</i>	Orderly ...	60	0	0			
43	1		Cook and Laundress ...	60	0	0			
44	1		District Medical Officer ...	250	0	0			
45	1		Resident Physician ...	350	0	0			
46	1		Secretary and Dispenser* ...	225	0	0			
47	1		Matron ...	150	0	0			
48	1		Night Superintendent ...	75	0	0			
49	1		Charge Nurse ...	70	0	0			
50	1		Do. ...	70	0	0			
51	1	<i>Coolgardie</i>	Do. ...	70	0	0			
52	1		Nurse ...	60	0	0			
53	1		Do. ...	60	0	0			
54	1		Do. Probationer ...	36	0	0			
55	1		Do. do. ...	36	0	0			
56	1		Do. do. ...	36	0	0			
57	1		Do. do. ...	36	0	0			
58	1		Do. do. ...	24	0	0			
			Carried forward ...	6084	0	0	2245	9	3

\* Now discharging combined duties of Secretary and Dispenser.

*Appropriation.*

## COLONIAL SECRETARY—(continued).

Item No.	N <sup>o</sup> . of Persons.			£	s.	d.	£	s.	d.
			Brought forward	...	...	...	2245	9	3
			<b>Medical—continued.</b>						
			Brought forward	...	6084	0 0			
			<b>SALARIES, FIXED—continued.</b>						
59	1		Wardsman	...	90	0 0			
60	1		Do.	...	90	0 0			
61	1		Wardsmaid	...	52	0 0			
62	1		Do.	...	52	0 0			
63	1	<i>Coolgardie</i>	Yardsman	...	90	0 0			
64	1	<i>(contd.)</i>	Cook, Chief	...	100	0 0			
65	1		Laundress	...	100	0 0			
66	1		Do. Assistant	...	75	0 0			
67	1		Housemaid, Chief	...	60	0 0			
68	1		Do.	...	52	0 0			
69	1		District Medical Officer	...	150	0 0			
70	1		Nurse in Charge	...	75	0 0			
71	1	<i>Collie</i>	Nurse	...	50	0 0			
72	1		Cook and Laundress	...	68	0 0			
73	1		Orderly	...	52	0 0			
74	1		District Medical Officer	...	250	0 0			
75	1		Matron	...	100	0 0			
76	1		Nurse	...	70	0 0			
77	1		Do.	...	70	0 0			
78	1		Do.	...	70	0 0			
79	1	<i>Cue</i>	Do.	...	20	0 0			
80	1		Orderly	...	90	0 0			
81	1		Cook	...	100	0 0			
82	1		Laundress	...	90	0 0			
83	1		Housemaid	...	52	0 0			
84	1	<i>Dongara ..</i>	District Medical Officer	...	150	0 0			
85	1	<i>Donnybrook</i>	Do. do.	...	150	0 0			
86	1		District Medical Officer and Quarantine	...					
		<i>Derby</i>	Officer	...	200	0 0			
87	1		Orderly	...	90	0 0			
88	1		District Medical Officer and Quarantine	...					
		<i>Esperance</i>	Officer	...	150	0 0			
89	1		Nurse and Cook	...	50	0 0			
90	1		District Medical Officer and Quarantine	...					
			Officer	...	300	0 0			
91	1		Superintending Medical Officer, Lunatic	...					
			Asylum	...	700	0 0			
92	1		Secretary Lunatic Asylum	...	208	0 0			
93	1		Matron do. do.	...	110	0 0			
94	1	<i>Fremantle</i>	Attendant (female)	do.	54	0 0			
95	1		Do.	do.	54	0 0			
96	1		Do.	do.	52	0 0			
97	1		Attendant	do.	52	0 0			
98	1		Do.	do.	52	0 0			
99	1		Do.	do.	48	0 0			
100	1		Do.	do.	48	0 0			
			Carried forward	...	10620	0 0	2245	9	3



*Appropriation.*

## COLONIAL SECRETARY—(continued).

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
		Brought forward	...			2245	9	3
		<b>Medical—continued.</b>						
		Brought forward	10620	0	0			
		<b>SALARIES, FIXED—continued.</b>						
101	1	Attendant, Lunatic Asylum	48	0	0			
102	1	Do. do.	48	0	0			
103	1	Do. do.	40	0	0			
104	1	Do. and Laundress do.	52	0	0			
105	1	Do. and Cook do.	48	0	0			
106	1	Kitchenmaid do.	44	0	0			
107	1	Chief Attendant do.	175	0	0			
108	1	Attendant in Charge do.	150	0	0			
109	1	Do. do.	147	10	0			
110	1	Do. do.	147	10	0			
111	1	Do. do.	146	13	4			
112	1	Do. do.	143	6	8			
113	1	Do. and Clerk do.	145	0	0			
114	1	Do. do.	110	12	6			
115	1	Do. do.	110	12	6			
116	1	Do. do.	110	0	0			
117	1	Do. do.	110	0	0			
118	1	Do. do.	110	0	0			
119	1	Do. do.	109	10	0			
120	1	Do. do.	108	9	3			
121	1	Do. do.	110	0	0			
122	1	Do. Relieving do.	94	0	0			
123	1	Do. and Baker do.	110	0	0			
124	1	Do. and Cook do.	110	0	0			
125	1	Do. and Gardener do.	110	0	0			
126	1	Attendant	90	0	0			
127	1	Do.	90	0	0			
128	1	Caretaker, Woodman's Point Quarantine Station	104	0	0			
129	1	Assistant do. do.	100	0	0			
130	1	Matron do.	52	0	0			
131	1	Caretaker, Carnac Island Quarantine Station	104	0	0			
132	1	Master s.s. "Waratah"	200	0	0			
133	1	Engineer do.	200	0	0			
134	1	Deck Hand do.	118	12	6			
135	1	District Medical Officer and Quarantine Officer	250	0	0			
136	1	Matron	90	0	0			
137	1	Nurse	50	0	0			
138	1	Do.	50	0	0			
139	1	Do. Probationer	24	0	0			
140	1	Orderly	60	0	0			
141	1	Cook	52	0	0			
142	1	Laundress	60	0	0			
143	1	Housemaid	39	0	0			
144	1	Secretary	40	0	0			
		Carried forward	15031	16	9	2245	9	3

*Appropriation.*

## COLONIAL SECRETARY—(continued).

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
		Brought forward	...			2245	9	3
		<b>Medical—continued.</b>						
		Brought forward	...	15031	16 9			
		<b>SALARIES, FIXED—continued.</b>						
145	1	Greenough ... District Medical Officer	...	150	0 0			
146	1	District Medical Officer	...	150	0 0			
147	1	Matron	...	90	0 0			
148	1	Nurse	...	50	0 0			
149	1	Guildford ... Do.	...	50	0 0			
150	1	Orderly	...	60	0 0			
151	1	Cook	...	52	0 0			
152	1	Housemaid	...	39	0 0			
153	1	Jarrahdale ... District Medical Officer	...	150	0 0			
154	1	District Medical Officer	...	250	0 0			
155	1	Resident Physician	...	350	0 0			
156	1	Secretary and Dispenser	...	208	0 0			
157	1	Matron	...	150	0 0			
158	1	Charge Nurse	...	70	0 0			
159	1	Do.	...	70	0 0			
160	1	Do.	...	70	0 0			
161	1	Do.	...	70	0 0			
162	1	Nurse	...	60	0 0			
163	1	Do.	...	60	0 0			
164	1	Do.	...	60	0 0			
165	1	Do.	...	60	0 0			
166	1	Do.	...	60	0 0			
167	1	Do.	...	60	0 0			
168	1	Do.	...	60	0 0			
169	1	Do.	...	60	0 0			
170	1	Do.	...	60	0 0			
171	1	Kalgoorlie ... Do. Probationer	...	36	0 0			
172	1	Do. do.	...	36	0 0			
173	1	Do. do.	...	36	0 0			
174	1	Do. do.	...	24	0 0			
175	1	Do. do.	...	24	0 0			
176	1	Wardsman	...	90	0 0			
177	1	Do.	...	90	0 0			
178	1	Wardmaid	...	52	0 0			
179	1	Do.	...	52	0 0			
180	1	Do.	...	52	0 0			
181	1	Do.	...	52	0 0			
182	1	Do.	...	52	0 0			
183	1	Cook, Chief	...	100	0 0			
184	1	Do. Assistant	...	75	0 0			
185	1	Housemaid	...	52	0 0			
186	1	Do.	...	52	0 0			
187	1	Laundress	...	100	0 0			
188	1	Do. Assistant	...	75	0 0			
189	1	Yardsman	...	90	0 0			
		Carried forward	...	18740	16 9	2245	9	3

*Appropriation.*

## COLONIAL SECRETARY—(continued).

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
		Brought forward ...	...			2245	9	3
		<b>Medical—continued.</b>						
		Brought forward ...	18740	16	9			
		<b>SALARIES, FIXED—continued.</b>						
190	1	Karridale ... District Medical Officer and Quarantine Officer ...	150	0	0			
191	1	{ District Medical Officer ...	150	0	0			
192	1	Katanning... { Nurse in Charge ...	75	0	0			
193	1	{ Cook and Laundress ...	52	0	0			
194	1	{ District Medical Officer ...	250	0	0			
195	1	Kookynie ... { Matron ...	110	0	0			
196	1	{ Nurse ...	70	0	0			
197	1	{ Cook and Laundress ...	100	0	0			
198	1	{ District Medical Officer ...	250	0	0			
199	1	Lawlers ... { Matron ...	110	0	0			
200	1	{ Orderly ...	104	0	0			
201	1	{ District Medical Officer ...	250	0	0			
202	1	Marble Bar { Orderly ...	100	0	0			
203	1	{ Cook ...	100	0	0			
204	1	{ District Medical Officer ...	250	0	0			
205	1	{ Nurse in Charge ...	100	0	0			
206	1	{ Nurse ...	70	0	0			
207	1	Menzies ... { Do. ...	60	0	0			
208	1	{ Do. ...	70	0	0			
209	1	{ Cook ...	90	0	0			
210	1	{ Laundress ...	90	0	0			
211	1	{ Orderly ...	90	0	0			
212	1	Mingenew ... { District Medical Officer ...	62	0	0			
213	1	{ District Medical Officer ...	150	0	0			
214	1	Newcastle ... { Cook and Orderly ...	50	0	0			
215	1	{ District Medical Officer ...	150	0	0			
216	1	{ Matron ...	75	0	0			
217	1	Northam ... { Nurse ...	50	0	0			
218	1	{ Do. ...	50	0	0			
219	1	{ Orderly ...	65	0	0			
220	1	{ Cook ...	52	0	0			
221	1	Northampton { District Medical Officer ...	200	0	0			
222	1	{ District Medical Officer ...	250	0	0			
223	1	Onslow ... { Orderly, 9 months at £60 per annum ...	45	0	0			
224	1	{ Cook, 9 months, at £60 per annum ...	45	0	0			
225	1	{ District Medical Officer ...	150	0	0			
226	1	Pinjarrah ... { Nurse and Cook ...	50	0	0			
227	1	Perth ... { District Medical Officer ...	250	0	0			
228	1	{ District Medical Officer and Quarantine Officer... ..	200	0	0			
229	1	Roebourne ... { Orderly ...	100	0	0			
230	1	{ Cook ...	60	0	0			
		Carried forward ...	23485	16	9	2245	9	3

## Appropriation.

## COLONIAL SECRETARY—(continued).

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
		Brought forward	...			2245	9	3
		<b>Medical—continued.</b>						
		Brought forward	23485	16	9			
		<b>SALARIES, FIXED—continued.</b>						
231	1	District Medical Officer	200	0	0			
232	1	Matron	100	0	0			
233	1	Nurse	60	0	0			
234	1	Do.	60	0	0			
235	1	Orderly	90	0	0			
236	1	Cook and Laundress	100	0	0			
237	1	Housemaid	52	0	0			
238	1	District Medical Officer	150	0	0			
239	1	District Medical Officer	150	0	0			
240	1	Chief Attendant	190	0	0			
241	1	Attendant in Charge	133	6	8			
242	1	Attendant	123	6	8			
243	1	Do.	123	6	8			
244	1	Do.	123	6	8			
245	1	Do.	122	10	0			
246	1	Do.	117	13	1			
247	1	Do.	114	0	0			
248	1	Do. and Cook	108	11	6			
249	1	Foreman of Farm	120	0	0			
250	1	Ploughman	65	0	0			
251	1	Farm Hand	65	0	0			
252	1	District Medical Officer	150	0	0			
253	1	Orderly and Cook	50	0	0			
254	1	Laundress	13	0	0			
255	1	District Medical Officer and Quarantine Officer	250	0	0			
256	1	Orderly	100	0	0			
257	1	District Medical Officer...	150	0	0			
258	1	Matron	90	0	0			
259	1	Nurse	50	0	0			
260	1	Orderly	52	0	0			
261	1	Cook	52	0	0			
		<b>Sea Quarantine.</b>						
262	1	Officer controlling Sea Quarantine	200	0	0			
		<b>SALARIES, PROVISIONAL AND TEMPORARY—£1,970.</b>						
263	1	Clerk	160	0	0			
264	1	Do.	140	0	0			
265	1	Do.	80	0	0			
266	1	Whitby Asylum, Dairywoman	52	0	0			
267	1	Clerk to Superintendent of Vaccinations	40	0	0			
268-271	4	Quarantine Experts, 4 Members at £12 per annum each	48	0	0			
262	...	Temporary Labour and Relieving Officers	1300	0	0			
273	1	Compulsory Vaccination Officer	150	0	0			
		Carried forward	28975	18	0	2245	9	3

*Appropriation.*

## COLONIAL SECRETARY—(continued).

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
		Brought forward ...	...			2245	9	3
		<b>Medical—continued.</b>						
		Brought forward ...	28975	18	0			
		ALLOWANCES—£2,713.						
274	1	Principal Medical Officer, Forage ...	50	0	0			
275	1	Principal Medical Officer, House ...	50	0	0			
276	1	Albany { District Medical Officer, Drug ...	40	0	0			
277	1	{ District Medical Officer, House ...	50	0	0			
278	1	Benerley ... District Medical Officer, Drug ...	18	0	0			
279	1	Bridgetown ... District Medical Officer, Drug ...	24	0	0			
280	1	{ District Medical Officer, Drug ...	30	0	0			
281	1	Broome { District Medical Officer, House ...	50	0	0			
282	1	Bunbury ... District Medical Officer, House ...	50	0	0			
283	1	Busselton ... District Medical Officer, House ...	50	0	0			
284	1	Carnarvon ... District Medical Officer, Drug ...	24	0	0			
285	1	Collie ... District Medical Officer, Drug ...	24	0	0			
286	1	{ District Medical Officer, House ...	100	0	0			
287	1	Coolgardie { Secretary, Ration ...	39	0	0			
288	1	{ District Medical Officer, Forage ...	50	0	0			
289	1	Cue { District Medical Officer, House ...	50	0	0			
290	1	{ District Medical Officer, Drug ...	12	0	0			
291	1	Dongara { do. do. House ...	50	0	0			
292	1	Derby ... District Medical Officer, Drug ...	30	0	0			
293	1	Donnybrook ... District Medical Officer, Drug ...	12	0	0			
294	1	Esperance ... District Medical Officer, Drug ...	24	0	0			
295	1	{ District Medical Officer, Drug ...	80	0	0			
296	1	Superintendent Lunatic Asylum, House ...	100	0	0			
297	1	Secretary, Lunatic Asylum, House ...	15	0	0			
298	1	Asylum, Attendant Nugent, House ...	25	0	0			
299-313	15	Fremantle { Asylum Attendants, House, at £15 per annum ...	225	0	0			
314-334	21	{ Asylum Attendants, Rations, at £26 each ...	546	0	0			
335	1	Caretaker, Woodman's Point Quarantine Station, Forage ...	20	0	0			
336	1	Greenough ... District Medical Officer, Drug ...	12	0	0			
337	1	Guildford ... District Medical Officer, Drug ...	24	0	0			
338	1	Jarrahdale ... District Medical Officer, Drug ...	12	0	0			
339	1	Kalgoorlie ... District Medical Officer, House ...	100	0	0			
340	1	{ District Medical Officer, Drug ...	24	0	0			
341	1	Katanning { Do. do. House ...	50	0	0			
342	1	Marble Bar ... District Medical Officer, Drug ...	50	0	0			
343	1	Menzies ... District Medical Officer, House ...	50	0	0			
344	1	{ District Medical Officer, Drug ...	24	0	0			
345	1	Newcastle { Do. do. House ...	30	0	0			
346	1	Northam ... District Medical Officer, House ...	30	0	0			
347	1	Northampton ... District Medical Officer, Drug ...	12	0	0			
348	1	Onslow ... District Medical Officer, Drug ...	24	0	0			
349	1	{ District Medical Officer, Drug ...	24	0	0			
350	1	Pinjarrah { Do. do. House ...	50	0	0			
		Carried forward ...	31329	18	0	2245	9	3

*Appropriation.*

## COLONIAL SECRETARY—(continued).

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
		Brought forward	...			2245	9	3
		<b>Medical—continued.</b>						
		Brought forward	31329	18	0			
		<b>ALLOWANCES—continued.</b>						
351	1	<i>Southern Cross</i> } District Medical Officer, House	50	0	0			
352	1	<i>Victoria Plains</i> } District Medical Officer, Drug	12	0	0			
353	1	<i>Williams</i> ... } District Medical Officer, Drug	24	0	0			
354	1	... } District Medical Officer, Drug	30	0	0			
355	1	<i>Wyndham</i> } Do. do. House	50	0	0			
356	1	... } District Medical Officer, Drug	12	0	0			
357	1	<i>Wagin</i> ... } Do. do. House	50	0	0			
358	1	... } Chaplain, Church of England	50	0	0			
359	1	<i>Whitby</i> } Do. Roman Catholic Church	25	0	0			
360	1	<i>Asylum</i> } Farm Foreman, Rations	26	0	0			
361	1	<i>York</i> ... } District Medical Officer, Drug	30	0	0			
		<b>CONTINGENCIES—£49,597 2s. 3d.</b>						
362	...	Provisions, Washing for Patients, etc., at Government Hospitals	11000	0	0			
363	...	Lunatic Asylums, Provisions, Bedding and Clothing, etc.	7000	0	0			
364	...	Bedding and Clothing for Hospitals...	600	0	0			
365	...	Medicines and Surgical Instruments for Hospitals	1800	0	0			
366	...	Furniture for Hospitals	500	0	0			
367	...	Uniform for Warders, Lunatic Asylums; also Nurses and Orderlies at Hospitals	350	0	0			
368	...	Vaccination Fees	800	0	0			
369	...	Sanitation Expenses	1250	0	0			
370	...	Travelling Expenses	600	0	0			
371	...	Incidental Expenses	400	0	0			
372	...	Quarantine Stations and Hospitals for Infectious Diseases	300	0	0			
373	...	Fuel and Light	1800	0	0			
374	...	Postage, Telephone Rent, and Telegrams	500	0	0			
375	...	Stationery, Typewriters, etc.	150	0	0			
376	...	Minor Urgent Repairs at Government Hospitals	125	0	0			
377	...	Grants to assisted Hospitals towards Salary of Medical Officer, and 25 per cent. of fees to District Medical Officers on Goldfields	1500	0	0			
378	...	£ for £ Subsidy, and Grant towards Maintenance of Indigent Patients treated in assisted Hospitals	5000	0	0			
379	...	Fremantle Public Hospital	5000	0	0			
380	...	Perth Public Hospital	9000	0	0			
381	...	Broad Arrow Hospital, Grant-in-Aid of Buildings	400	0	0			
382	...	Collie Hospital, Furniture	80	0	0			
383	...	Cue Hospital, Telephone, Construction of	69	2	3			
384	...	Leonora Hospital, Grant-in-Aid of Buildings	300	0	0			
		Carried forward	80213	0	3	2245	9	3

*Appropriation.*

## COLONIAL SECRETARY—(continued).

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
		Brought forward ...	...			2245	9	3
		<b>Medical—continued.</b>						
		Brought forward ...	80218	0	3			
		<b>CONTINGENCIES—continued.</b>						
385	...	Mt. Magnet, Grant for Infectious Diseases Ward ...	50	0	0			
386	...	Do. Grant to pay outstanding Liabilities ...	123	0	0			
387	...	Peak Hill Hospital, Grant-in-Aid of Buildings ...	200	0	0			
388	...	Denmark Hospital, Grant-in-Aid ...	150	0	0			
389	...	Yarloop Hospital, Grant-in-Aid ...	150	0	0			
390	...	Jarrahdale Hospital, Grant-in-Aid of Buildings ...	400	0	0			
		Total Medical ...	...			81286	0	3
		<b>GAOLS.</b>						
		<b>SALARIES, FIXED—£8,199 5s.</b>						
1	1	Inspector of Prisons ...	150	0	0			
2	1	Superintendent ...	a 365	0	0			
3	1	Surgeon ...	b 250	0	0			
4	1	Chaplain, Church of England ...	175	0	0			
5	1	Do. Roman Catholic Church ...	125	0	0			
		<b>Clerical Staff.</b>						
6	1	Chief Clerk and Record-keeper, Fremantle Prison ...	270	0	0			
7	1	Storekeeper do. ...	190	0	0			
8	1	Store Clerk, do. ...	140	0	0			
9	1	Assistant Clerk, Fremantle Prison ...	120	0	0			
10	1	Clerk (Inspector of Prisons Office, Perth) ...	165	0	0			
		<b>DISCIPLINARY STAFF.</b>						
		<b>Officer, 1st Class.</b>						
11	1	Chief Warder, Fremantle Prison ...	175	0	0			
		<b>Officers, 2nd Class.</b>						
12	1	Principal Warder, Fremantle Prison (1st grade) ...	160	0	0			
13	1	Do. do. do. ...	156	0	0			
14	1	Do. do. do. ...	156	0	0			
15	1	Senior Warder, do. (2nd grade) ...	154	0	0			
16	1	Do. do. do. ...	145	0	0			
17	1	Do. do. do. ...	145	0	0			
18	1	Do. do. do. ...	144	0	0			
19	1	Do. do. do. ...	144	0	0			
20	1	Do. Fremantle (1st grade) ...	154	0	0			
21	1	Do. do. do. ...	142	0	0			
22	1	Do. do. do. ...	140	0	0			
23	1	Do. do. do. ...	140	0	0			
24	1	Do. do. do. ...	140	0	0			
25	1	Do. do. do. ...	140	0	0			
		Carried forward ...	4185	0	0	83531	9	6

a Includes £15 formerly received as Hospital Assistant.

b Includes £72 formerly received for dispensing medicines.

*Appropriation.*

## COLONIAL SECRETARY—(continued).

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
		Brought forward	...			83531	9	6
		<b>Gaols—continued.</b>						
		Brought forward	4185	0	0			
		<b>SALARIES, FIXED—continued.</b>						
26	1	Senior Warder, Fremantle (1st grade)	136	0	0			
27	1	Do. do. do.	136	0	0			
28	1	Do. do. do.	134	0	0			
29	1	Do. do. do.	134	0	0			
30	1	Do. do. do.	134	0	0			
31	1	Do. do. do.	134	0	0			
32	1	Do. do. do.	134	0	0			
33	1	Do. do. do.	134	0	0			
34	1	Do. do. do.	134	0	0			
35	1	Do. do. do.	128	0	0			
		<b>FEMALE STAFF.</b>						
		<i>1st Class.</i>						
36	1	Matron, Fremantle Prison	90	0	0			
		<i>2nd Class.</i>						
37	1	Assistant, Fremantle Prison	75	0	0			
38	1	Do. do.	75	0	0			
39	1	Do. do.	59	0	0			
		<b>DISTRICT GAOLS.</b>						
		<i>Officers, 1st Class.</i>						
40	1	Gaoler, Albany	174	10	0			
41	1	Do. Broome	167	0	0			
42	1	Do. Carnarvon	174	10	0			
43	1	Do. Derby	153	0	0			
44	1	Do. Geraldton	174	10	0			
45	1	Do. Roebourne	172	0	0			
46	1	Do. Wyndham	172	0	0			
		<i>Officers, 2nd Class.</i>						
47	1	Warder, Broome	142	0	0			
48	1	Do. Carnarvon	150	0	0			
49	1	Do. Derby	137	15	0			
50	1	Do. do.	128	0	0			
51	1	Do. Geraldton	150	0	0			
52	1	Do. do.	146	0	0			
53	1	Do. Roebourne	146	0	0			
54	1	Do. do.	142	0	0			
		<b>FEMALE STAFF.</b>						
55	1	Matron, Albany	12	0	0			
56	1	Do. Carnarvon	12	0	0			
57	1	Do. Geraldton	12	0	0			
58	1	Do. Roebourne	12	0	0			
		Carried forward	8199	5	0	83531	9	6



*Appropriation.*

## COLONIAL SECRETARY—(continued).

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
		Brought forward	...	...	...	83531	9	6
		<b>Gaols—continued.</b>						
		Brought forward	...	8199	5 0			
		<b>SALARIES, PROVISIONAL AND TEMPORARY—£3,651 7s. 6d.</b>						
59	1	Warder, Fremantle (2nd grade), 7s. 6d. per diem	...	136	17 6			
60	1	Do. do. do. do.	...	136	17 6			
61	1	Do. do. do. do.	...	136	17 6			
62	1	Do. do. do. do.	...	136	17 6			
63	1	Do. do. do. do.	...	136	17 6			
64	1	Do. do. do. do.	...	136	17 6			
65	1	Do. do. do. do.	...	136	17 6			
66	1	Do. do. do. do.	...	136	17 6			
67	1	Do. do. do. do.	...	136	17 6			
68	1	Do. do. do. do.	...	136	17 6			
69	1	Do. do. do. do.	...	136	17 6			
70	1	Do. do. do. do.	...	136	17 6			
71	1	Warder (instructor of mat making), 12s. per day, 6 months only	...	93	0 0			
72	1	Warder (instructor of bootmaking) 12s. per day, 6 months only	...	93	0 0			
73	1	Warder (instructor of carpentry), 12s. per day, 6 months only	...	93	0 0			
74	1	Warder (instructor of tailoring), 12s. per day, 6 months only	...	93	0 0			
75	1	Schoolmaster, 12s. 6d. per day, for six months only	...	96	17 6			
76	1	Warder, Wyndham	...	120	0 0			
77	1	Do.	...	120	0 0			
78	1	Do.	...	120	0 0			
79	1	Messenger, Fremantle Prison	...	60	0 0			
80	1	Bailiff's Officer	...	60	0 0			
81	1	Gaoler, Bunbury	...	15	0 0			
82	1	Do. Busselton	...	15	0 0			
83	1	Do. Newcastle	...	15	0 0			
84	1	Do. York	...	15	0 0			
85	...	Warders occasionally employed	...	1000	0 0			
		<b>ALLOWANCES—£645.</b>						
86	...	Allowance to Chief Warder for winding clock, Fremantle	...	10	0 0			
87	...	Allowance in lieu of lodgings to Gaoler at Broome	...	25	0 0			
88	...	Do. do. do. Warder at Broome	...	25	0 0			
89	...	Do. do. do. Gaoler at Derby	...	25	0 0			
90	...	Do. do. do. Warder at Derby	...	25	0 0			
91	...	Do. do. do. do.	...	25	0 0			
92	...	Special Allowance to Gaoler, Carnarvon	...	10	0 0			
93	...	Do. do. do. Roebourne	...	5	0 0			
		Carried forward	...	12000	12 6	83531	9	6

*Appropriation.*

## COLONIAL SECRETARY—(continued).

Item No.	N <sup>o</sup> . of Persons.		£	s.	d.	£	s.	d.
		Brought forward ...	...			83531	9	6
		<b>Gaols—continued.</b>						
		Brought forward ...	12000	12	6			
		<b>ALLOWANCES—continued.</b>						
94	...	Tropical Allowance to Gaoler, Broome ...	30	0	0			
95	...	Do. do. do. Carnarvon ...	30	0	0			
96	...	Do. do. do. Derby ...	30	0	0			
97	...	Do. do. do. Roebourne ...	30	0	0			
98	...	Do. do. do. Wyndham ...	30	0	0			
99	...	Do. do. Warder, Broome ...	30	0	0			
100	...	Do. do. do. Carnarvon ...	30	0	0			
101	...	Do. do. do. Derby ...	30	0	0			
102	...	Do. do. do. do. ...	30	0	0			
103	...	Do. do. do. Roebourne ...	30	0	0			
104	...	Do. do. do. do. ...	30	0	0			
105	...	Do. do. do. Wyndham ...	30	0	0			
106	...	Do. do. do. do. ...	30	0	0			
107	...	Do. do. do. do. ...	30	0	0			
108	...	Lodging do. do. do. ...	25	0	0			
109	...	Do. do. do. do. ...	25	0	0			
110	...	Do. do. do. do. ...	25	0	0			
		<b>CONTINGENCIES—£15,700.</b>						
111	...	Transport of Prisoners ...	900	0	0			
112	...	Provisions, etc., for Prisoners in charge of Police ...	2000	0	0			
113	...	Do. do. in Gaols ...	7200	0	0			
114	...	Bedding and Clothing ...	1400	0	0			
115	...	Uniform for Gaolers and Warders ...	370	0	0			
116	...	Incidental Expenses ...	350	0	0			
117	...	Postage, Telephone Rent, and Telegrams ...	200	0	0			
118	...	Stationery, Typewriters, etc. ...	80	0	0			
119	...	Assistance to Prisoners on discharge from Gaol ...	100	0	0			
120	...	Upkeep Horses and Carts ...	250	0	0			
121	...	Water, Lighting, Fuel, and Sanitary Services ...	1100	0	0			
122	...	*Travelling Expenses ...	250	0	0			
123	...	Provisions, etc., for Prisoners employed on Drainage Works at Drakesbrook ...	1000	0	0			
124	...	Equipment of Workshop at Fremantle Prison ...	500	0	0			
		Total Gaols ...				28195	12	6
		<b>ROTTNEST ESTABLISHMENT.</b>						
		<b>SALARIES, FIXED—£1,380.</b>						
1	1	Superintendent ...	400	0	0			
2	1	Principal Warder ...	155	0	0			
3	1	Senior Warder ...	137	10	0			
4	1	Warder ...	135	0	0			
5	1	Do. ...	132	10	0			
		Carried forward ...	960	0	0	111727	2	0

\* Previously classified under Incidental Expenses.

*Appropriation.*

## COLONIAL SECRETARY—(continued).

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
		Brought forward ...	...			1117	27	2 0
		<b>Rottneſt Eſtabliſhment—continued.</b>						
		Brought forward ...	960	0	0			
		<b>SALARIES, FIXED—continued.</b>						
6	1	Night Warder ...	120	0	0			
7	1	Medical Officer ...	100	0	0			
8	1	Clerk and Superintendent of Salt Works, Medical Dispenser, and Heliographiſt ...	200	0	0			
		<b>SALARIES, PROVISIONAL AND TEMPORARY—£25.</b>						
9	...	Temporary Warders ...	25	0	0			
		<b>ALLOWANCES—£59 9s.</b>						
10	...	Table Allowance, Superintendent ...	50	0	0			
11	...	Drug Allowance to Medical Officer ...	9	9	0			
		<b>CONTINGENCIES—£1,345.</b>						
12	...	Clothing ...	100	0	0			
13	...	Proviſions and other neceſſaries ...	600	0	0			
14	...	Tools, Carſ, Harneſſ, Requiſites for garden and farm...	210	0	0			
15	...	Salt Works ...	30	0	0			
16	...	Transport to and from Rottneſt ...	140	0	0			
17	...	Uniforms for Warders ...	55	0	0			
18	...	Incidental Expenſes ...	55	0	0			
19	...	Poſtage ...	20	0	0			
20	...	Stationery, Typewriters, etc. ...	10	0	0			
21	...	*Travelling Expenſes ...	5	0	0			
22	...	Pig Food ...	110	0	0			
23	...	Telegrams ...	10	0	0			
		<b>Total Rottneſt Eſtabliſhment ...</b>	...			2809	9	0
		<b>PRINTING.</b>						
		<b>SALARIES, FIXED—£10,166 16s.</b>						
1	1	Government Printer ...	425	0	0			
2	1	† Do. do. Aſſiſtant ...	400	0	0			
3	1	Clerk ...	240	0	0			
4	1	Do. ...	210	0	0			
5	1	‡ Do. ...	156	10	0			
6	1	‡ Do. ...	150	0	0			
		<b>Carried forward ...</b>	1581	10	0	114536	11	0

\* Previously claſſified under Incidental.

† Previously ſtyled "Chief Clerk."

‡ Previously under "Salaries, Proviſional and Temporary."

*Appropriation.*

## COLONIAL SECRETARY—(continued).

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
		Brought forward	...			114536	11	0
		<b>Printing—continued.</b>						
		Brought forward	1581	10	0			
		<b>SALARIES, FIXED—continued.</b>						
7	1	Superintendent	300	0	0			
8	1	Overseer	240	0	0			
9	1	Sub-Overseer	210	0	0			
10	1	*Reader	180	0	0			
11	1	* Do.	165	0	0			
12	1	Compositor (Foreman)	190	0	0			
13	1	Do. do.	190	0	0			
14	1	Do.	165	0	0			
15	1	Do.	165	0	0			
16	1	Do.	145	0	0			
17	1	Do.	160	0	0			
18	1	* Do.	156	10	0			
19	1	* Do.	156	10	0			
20	1	* Do.	156	10	0			
21	1	* Do.	148	14	0			
22	1	* Do.	148	14	0			
23	1	* Do.	148	14	0			
24	1	* Do.	148	14	0			
25	1	* Do.	148	14	0			
26	1	* Do.	148	14	0			
27	1	* Do.	148	14	0			
28	1	* Do.	148	14	0			
29	1	* Do.	148	14	0			
30	1	* Do.	148	14	0			
31	1	Machinist (Foreman)	250	0	0			
32	1	Do.	170	0	0			
33	1	* Do.	156	10	0			
34	1	* Do.	156	10	0			
35	1	* Do.	156	10	0			
36	1	* Do.	156	10	0			
37	1	* Do.	148	14	0			
38	1	* Do.	148	14	0			
39	1	* Do.	148	14	0			
40	1	Machine Paper Ruler	200	0	0			
41	1	* Do.	150	0	0			
42	1	Bookbinder (Foreman)	220	0	0			
43	1	Do.	165	0	0			
44	1	* Do.	148	14	0			
45	1	* Do.	148	14	0			
46	1	* Do.	148	14	0			
47	1	* Do.	148	14	0			
48	1	* Do.	148	14	0			
49	1	Do. Overseer (females)	133	0	0			
50	1	Ticket Printer	190	0	0			
51	1	*Stereotyper	148	14	0			
		Carried forward	9090	6	0	114536	11	0

\* Previously under "Salaries, Provisional and Temporary."

*Appropriation.*

## COLONIAL SECRETARY—(continued).

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
		Brought forward	...			114536	11	0
		<b>Printing—continued.</b>						
		Brought forward	...	9090	6 0			
		<b>SALARIES, FIXED—continued.</b>						
52	1	Officer in charge of Stationery	...	210	0 0			
53	1	*Officer in charge of Printed Papers	...	156	10 0			
54	1	Engineer	...	225	0 0			
55	1	Engine Driver	...	155	0 0			
56-65	10	Apprentices and Messengers	...	330	0 0			
		<b>SALARIES, PROVISIONAL AND TEMPORARY—</b> £15,435 15s. 4d.						
66	1	Compositor, at 9s. 6d. per day	...	148	13 6			
67	1	Do. „ 9s. 6d. „	...	148	13 6			
68	1	Do. „ 9s. 6d. „	...	148	13 6			
69	1	Do. „ 9s. 6d. „	...	148	13 6			
70	1	Do. „ 9s. 6d. „	...	148	13 6			
71	1	Do. „ 9s. 6d. „	...	148	13 6			
72	1	Do. „ 9s. 6d. „	...	148	13 6			
73	1	Do. „ 9s. 6d. „	...	148	13 6			
74	1	Do. „ 9s. 6d. „	...	148	13 6			
75	1	Do. „ 9s. 6d. „	...	148	13 6			
76	1	Do. „ 9s. 6d. „	...	148	13 6			
77	1	Do. „ 9s. 6d. „	...	148	13 6			
78	1	Do. „ 9s. 6d. „	...	148	13 6			
79	1	Do. „ 9s. 6d. „	...	148	13 6			
80	1	Do. „ 9s. 6d. „	...	148	13 6			
81	1	Do. „ 9s. 6d. „	...	148	13 6			
82	1	Do. „ 9s. 6d. „	...	148	13 6			
83	1	Do. „ 9s. 6d. „	...	148	13 6			
84	1	Do. „ 9s. 2d. „	...	143	9 2			
85	1	Do. „ 9s. 2d. „	...	143	9 2			
86	1	Do. „ 9s. 2d. „	...	143	9 2			
87	1	Do. „ 9s. 2d. „	...	143	9 2			
88	1	Do. „ 9s. 2d. „	...	143	9 2			
89	1	Do. „ 9s. 2d. „	...	143	9 2			
90	1	Do. „ 9s. 2d. „	...	143	9 2			
91	1	Do. „ 9s. 2d. „	...	143	9 2			
92	1	Do. „ 9s. 2d. „	...	143	9 2			
93	1	Do. „ 9s. 2d. „	...	143	9 2			
94	1	Do. „ 9s. 2d. „	...	143	9 2			
95	1	Machinist „ 9s. 6d. „	...	148	13 6			
96	1	Do. „ 9s. 6d. „	...	148	13 6			
97	1	Do. „ 9s. 2d. „	...	143	9 2			
		Carried forward	...	14861	16 0	114536	11	0

\* Previously under "Salaries, Provisional and Temporary."

*Appropriation.*

## COLONIAL SECRETARY—(continued).

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
		Brought forward ...	...			114536	11	0
		<b>Printing—continued.</b>						
		Brought forward ...	14861	16	0			
		<b>SALARIES, PROVISIONAL AND TEMPORARY—continued.</b>						
98	1	Bookbinder at 9s. 6d. per day ...	148	13	6			
99	1	Do. " 9s. 6d. " ...	148	13	6			
100	1	Do. " 9s. 2d. " ...	143	9	2			
101	1	Assistant in Warehouse, at 9s. 2d. per day ...	143	9	2			
102	1	Stereotyper, at 10s. per day ...	156	10	0			
103	...	Extra Labour ...	10000	0	0			
		<b>ALLOWANCES—£100.</b>						
104	...	House Allowance, in lieu of quarters to Government Printer ...	100	0	0			
		<b>CONTINGENCIES—£5,850.</b>						
105	...	New Machinery, Type, etc. ...	500	0	0			
106	...	Incidental Expenses ...	100	0	0			
107	...	Water, Fuel, Light, and Sanitary ...	400	0	0			
108	...	Postage, Telephone Rent, and Telegrams ...	300	0	0			
109	...	Stationery (Office) ...	50	0	0			
110	...	Stationery (printing paper, etc.) for Public Service generally ...	4,500	0	0			
		<b>Total Printing ...</b>	...			31552	11	4
		<b>REGISTRY.</b>						
		<b>SALARIES FIXED—£2,615.</b>						
1	1	Government Statistician and Registrar General ...	500	0	0			
		<b>Government Statistician's Office.</b>						
2	1	Chief Compiler ...	250	0	0			
3	1	Sub-Editor Statistical Year Book, etc. ...	220	0	0			
4	1	Compiler and Departmental Actuary ...	200	0	0			
5	1	Assistant Compiler and Record Clerk ...	180	0	0			
6	1	Do. ...	180	0	0			
7	1	Do. ...	180	0	0			
		<b>Carried forward ...</b>	1710	0	0	146089	2	4

*Appropriation.***COLONIAL SECRETARY—(continued).**

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
		Brought forward ...	...			146089	2	4
		<b>Registry—continued.</b>						
		Brought forward ...	1710	0	0			
		<b>Registrar General's Office.</b>						
8	1	Chief Clerk and Accountant ...	200	0	0			
9	1	District Registrar, Perth District ...	200	0	0			
10	1	Registry Clerk ...	180	0	0			
11	1	Record Clerk ...	140	0	0			
12	1	Clerk to District Registrar ...	110	0	0			
13	1	Clerk and Typist ...	75	0	0			
		<b>SALARIES, PROVISIONAL AND TEMPORARY—£405.</b>						
14	1	Assistant Statistical Clerk ...	170	0	0			
15	1	Do. do. ...	160	0	0			
16	1	Clerk and Messenger ...	50	0	0			
17	...	Temporary Clerical Assistance ...	25	0	0			
		<b>CONTINGENCIES—£1,385.</b>						
18	...	Incidental Expenses ...	40	0	0			
19	...	Stationery, Typewriters, etc. ...	60	0	0			
20	...	Postage, Telephone Rent, and Telegrams ...	500	0	0			
21	...	Fees to District Registrars ...	425	0	0			
22	...	Expenses connected with Collection of Industrial and other Statistics ...	350	0	0			
23	...	*Travelling Expenses ...	10	0	0			
		<b>Census of State, 1901.</b>						
		<b>SALARIES, PROVISIONAL AND TEMPORARY—£2,350.</b>						
24	...	Enumerators, Sub-Enumerators, Tabulators, and Clerical Assistance ...	2350	0	0			
		<b>CONTINGENCIES—£100.</b>						
25	...	Incidental Expenses ...	100	0	0			
		Total Registry ...				6855	0	0
		<b>CHARITIES.</b>						
		<b>SALARIES, FIXED—£3,120.</b>						
1	1	Superintendent of Public Charities and Inspector of Industrial and Reformatory Schools ...	400	0	0			
2	1	Clerk and Accountant ...	200	0	0			
3	1	Clerk ...	150	0	0			
4	1	Do. ...	150	0	0			
5	1	Do. ...	120	0	0			
		Carried forward ...	1020	0	0	152944	2	4

\* Previously classified under Incidental.

*Appropriation.*

## COLONIAL SECRETARY—(continued).

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
		Brought forward ...	...			152944	2	4
		<b>Charities—continued.</b>						
		Brought forward ...	1020	0	0			
		<b>SALARIES FIXED—continued.</b>						
6	1	Messenger ...	40	0	0			
7	1	Matron, Perth Home ...	*170	0	0			
8	1	Sub-Matron, Maternity Home ...	*100	0	0			
9	1	Children's Attendant ...	*85	0	0			
10	1	Hospital Nurse, Female Home ...	*90	0	0			
11	1	Cook do. ...	70	0	0			
12	1	Master, Mount Eliza Institution ...	*195	0	0			
13	1	Orderly do. "Sick Ward" ...	*100	0	0			
14	1	Orderly and Storekeeper, Mount Eliza Institution ...	*120	0	0			
15	1	Labour Master do. ...	*110	0	0			
16	1	Orderly do. ...	*100	0	0			
17	1	Do. do. ...	*100	0	0			
18	1	Do. do. ...	90	0	0			
19	1	Cook do. ...	*100	0	0			
20	1	Senior Nurse, Mount Eliza Infirmary ...	*100	0	0			
21	1	Nurse do. ...	*90	0	0			
22	1	Cook do. ...	*100	0	0			
23-24	2	Master and Matron, Fremantle Old Men's Home ...	150	0	0			
25	1	Workmaster Orderly do. ...	100	0	0			
26	1	Assistant Orderly do. ...	90	0	0			
		<b>ALLOWANCES—£310.</b>						
27	1	Travelling Expenses of Inspector ...	50	0	0			
28	...	Allowance to Inmates Mount Eliza Depôt and Fremantle Old Men's Home for work performed ...	260	0	0			
		<b>CONTINGENCIES—£12,010.</b>						
29	...	Indoor Relief ...	6950	0	0			
30	...	Outdoor Relief ...	3150	0	0			
31	...	Burial of Destitute, Transport, Registration of Births and Deaths, and Incidental Expenses ...	1450	0	0			
32	...	Sanitary Fees and Lighting ...	300	0	0			
33	...	Postage, Telephone Rent, and Telegrams ...	120	0	0			
34	...	Stationery, Typewriters, etc. ...	40	0	0			
		<b>Industrial Orphanage, Industrial, and Reformatory Schools—£8,542 10s.</b>						
35	...	Aid to Orphanage Industrial Schools ...	6800	0	0			
		Carried forward ...	22240	0	0	152944	2	4

\* Includes £34 9s. previously paid under Allowance in lieu of Rations.



*Appropriation.*

## COLONIAL SECRETARY—(continued).

Item No.	No. of Person.		£	s.	d.	£	s.	d.
		Brought forward ...	...			152944	2	4
		<b>Charities—continued.</b>						
		Brought forward ...	22240	0	0			
		<b>Industrial School, Subiaco—£1,495.</b>						
		<b>SALARIES, PROVISIONAL AND TEMPORARY—£495.</b>						
36	1	Superintendent ...	*130	0	0			
37	1	Matron ...	*95	0	0			
38	1	Teacher and General Assistant ...	*100	0	0			
39	1	Assistant Matron ...	*80	0	0			
40	1	Work Master ...	*90	0	0			
		<b>CONTINGENCIES—£1,000.</b>						
41	...	Provisions for Inmates, Furnishing, Clothing, and Incidental Expenses ...	950	0	0			
42	...	Tools and Material for new Workshops ...	50	0	0			
		<b>Reformatory, Rottneſt—£247 10s.</b>						
		<b>SALARIES, FIXED—£120.</b>						
43	1	Superintendent, 6 months at £170 p.a. ...	†85	0	0			
44	1	School Teacher do. £70 p.a. ...	35	0	0			
		<b>SALARIES, PROVISIONAL AND TEMPORARY—£27 10s.</b>						
45	1	Work Master, 3 months at £110 p.a. ...	27	10	0			
		<b>CONTINGENCIES—£100.</b>						
46	...	Clothing ...	20	0	0			
47	...	Provisions and other necessities ...	50	0	0			
48	...	Incidental Expenses ...	5	0	0			
49	...	Uniforms for Reformatory Officers ...	15	0	0			
50	...	Material for Workshop, and Garden Seeds ...	10	0	0			
		<b>Total Charities ...</b>				23982	10	0
		<b>Carried forward ...</b>				176926	12	4

\* Allowance now added to salary.

† Includes £10 previously paid under allowances for use of tools.

*Appropriation.*

## COLONIAL SECRETARY—(continued).

Item No.	No. of Persons		£	s.	d.	£	s.	d.
		Brought forward ...	...			176926	12	4
		<b>GOVERNMENT GARDENS AND GOVERNMENT HOUSE DOMAIN.</b>						
		<b>SALARIES, FIXED—£275.</b>						
1	1	Superintendent ...	275	0	0			
		<b>SALARIES, PROVISIONAL AND TEMPORARY—£303.</b>						
		<i>Government Gardens.</i>						
2	1	Foreman, at 8s. per day ...	146	0	0			
3	1	Labourer, at 7s. per day ...	127	15	0			
4	1	Do. do. ...	127	15	0			
		<i>Government Domain.</i>						
5	1	House Gardener, at 8s. per day ...	146	0	0			
6	1	Labourer, at 7s. per day ...	127	15	0			
7	1	Do. do. ...	127	15	0			
		<b>CONTINGENCIES—£600.</b>						
8	...	Incidental Expenses ...	200	0	0			
9	...	Trunking Government House Grounds ...	25	0	0			
10	...	Acclimatisation of Plants ...	25	0	0			
11	...	Upkeep of Public Grounds and Grounds connected with Public Buildings ...	200	0	0			
12	...	Improvements, Mill Point Reserve ...	50	0	0			
13	...	Gravelling Footpaths, Government Gardens ...	100	0	0			
		Total Government Gardens, etc. ...				1678	0	0
		<b>PUBLIC HEALTH.</b>						
		<b>SALARIES, FIXED—£2,022.</b>						
		<i>Central Board of Health—</i>						
1	1	President ...	500	0	0			
2	1	Secretary and Accountant ...	250	0	0			
3	1	Chief Inspector ...	250	0	0			
4	1	Travelling Inspector ...	200	0	0			
5	1	Inspector (Public Buildings) ...	200	0	0			
6	1	Do. (Dairies, Slaughter Houses, etc.) ...	200	0	0			
7	1	Laboratory Assistant ...	100	0	0			
8	1	Clerk and Typist ...	150	0	0			
9	1	Junior Clerk ...	70	0	0			
10	1	Messenger ...	50	0	0			
11	1	Special Medical Officer ...	52	0	0			
		<b>SALARIES, PROVISIONAL AND TEMPORARY—£308 6s. 8d.</b>						
12	...	Special Medical Officers, Nurses, Servants, etc., in connection with infectious diseases ...	8	6	8			
13	...	Temporary Labour in connection with infectious diseases ...	300	0	0			
		Carried forward ...	2330	6	8	178604	12	4

*Appropriation.*

## COLONIAL SECRETARY—(continued).

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
		Brought forward ...	...			178604	12	4
		<b>Public Health—continued.</b>						
		Brought forward ...	...					
		CONTINGENCIES—£3,490.						
14	...	Maintenance of Hospitals for infectious and contagious diseases ...	100	0	0			
15	...	Drugs, Druggists' Sundries, and Laboratory Appliances, etc. ...	200	0	0			
16	...	*Fees to members of Central Board ...	250	0	0			
17	...	Incidental Expenses ...	300	0	0			
18	...	Postage, Telephone Rents, and Telegrams ...	150	0	0			
19	...	Stationery, Typewriters, etc. ...	90	0	0			
20	...	*Travelling Expenses and Transport ...	250	0	0			
21	...	Bubonic Plague ...	150	0	0			
22	...	†Sanitation Grants to Local Boards ...	2000	0	0			
		Total Public Health ...	...			5820	6	8
		<b>EDUCATIONAL.</b>						
		SALARIES, FIXED—£4,520.						
		Minister of Education (Civil List).						
1	1	Inspector General of Schools ...	650	0	0			
2	1	Chief Inspector of Schools ...	450	0	0			
3	1	Inspector of Schools ...	360	0	0			
4	1	Do. ...	360	0	0			
5	1	Do. ...	360	0	0			
6	1	Do. ...	350	0	0			
7	1	Accountant ...	260	0	0			
8	1	Clerk (Chief Correspondence) ...	240	0	0			
9	1	Cashier ...	220	0	0			
10	1	Clerk (Record) ...	200	0	0			
11	1	Do. (Statistical) ...	190	0	0			
12	1	Do. (Authorities) ...	190	0	0			
13	1	Do. (Stores) ...	190	0	0			
14	1	Do. (Issuer) ...	180	0	0			
15	1	Do. ...	170	0	0			
16	1	Do. ...	150	0	0			
		SALARIES, PROVISIONAL AND TEMPORARY—£72,925.						
17	1	Clerk ...	210	0	0			
18	1	Do. ...	180	0	0			
19	1	Do. ...	180	0	0			
20	1	Do. ...	170	0	0			
21	1	Do. ...	160	0	0			
		Carried forward ...	5420	0	0	184424	19	0

\*Previously classified under Incidental.

†Previously under Miscellaneous Services.

*Appropriation.*

## COLONIAL SECRETARY—(continued).

Item No.	No. of Person.		£	s.	d.	£	s.	d.
		Brought forward ...	...			184424	19	0
		<b>Educational—continued.</b>						
		Brought forward ...	5420	0	0			
		<b>SALARIES, PROVISIONAL AND TEMPORARY—continued.</b>						
22	1	Clerk ...	130	0	0			
23	1	Do. ...	130	0	0			
24	1	Do. ...	110	0	0			
25	1	Do. ...	80	0	0			
26	1	Do. ...	75	0	0			
27	1	Do. ...	70	0	0			
28	1	Messenger ...	60	0	0			
29	1	Clerk ...	120	0	0			
31	1	Examiner of Sewing ...	100	0	0			
32	...	Compulsory Officers—Chief Comp. Officer, £220; (1.) C.O. Perth, £160; (1.) C.O. Fremantle, £150; Additional, £270 ...	800	0	0			
33	...	Government Schools ...	69500	0	0			
34	...	Evening Schools ...	750	0	0			
35	...	Caretaker Perth Central Schools ...	100	0	0			
		<b>ALLOWANCES—£4,500.</b>						
36	...	Allowances to Teachers—Forage, Lodging, etc. ...	900	0	0			
37	...	Do. for Cleaning Schools ...	3600	0	0			
		<b>CONTINGENCIES—£17,400.</b>						
38	...	Minor Repairs, etc. ...	1250	0	0			
39	...	Furniture, etc., for Schools ...	3500	0	0			
40	...	Books, Apparatus, etc. ...	3800	0	0			
41	...	Maintenance (Sanitary, Water, Fuel, and Light, etc.) ...	3000	0	0			
42	...	Incidental Expenses (including Rents of Schools) ...	350	0	0			
43	...	Postage, Telephone Rent, and Telegrams ...	1750	0	0			
44	...	Stationery, Typewriters, etc. ...	250	0	0			
45	...	Examiners' Fees, etc. ...	200	0	0			
46	...	Public Exhibitions ...	250	0	0			
47	...	Scholarships ...	500	0	0			
48	...	Bursaries ...	200	0	0			
49	...	* University Exhibitions ...	250	0	0			
50	...	Evening Schools ...	500	0	0			
51	...	† Travelling Expenses ...	1500	0	0			
52	...	Election of District Boards ...	100	0	0			
		<b>Training College—£3,485.</b>						
		<b>SALARIES, FIXED—£765.</b>						
53	1	Principal of Training College ...	450	0	0			
54	1	Resident Assistant, for 6 months at £250 p.a. ...	125	0	0			
55	1	Do. for 6 months at £200 p.a. ...	100	0	0			
56	1	Normal Master, for 6 months at £50 p.a. ...	25	0	0			
57	1	Matron, for 8 months at £100 p.a. ...	65	0	0			
		Carried forward ...	100110	0	0	184424	19	0

\* Previously under Literary and Scientific Grants. † Previously classified under Incidental.

*Appropriation.***COLONIAL SECRETARY—(continued).**

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
		Brought forward ...	...			184424	19	0
		<b>Educational—continued.</b>						
		Brought forward ...	100110	0	0			
		<b>SALARIES, PROVISIONAL AND TEMPORARY—£570.</b>						
58	...	Visiting Staff, for 6 months ...	120	0	0			
59	...	Servants, for 6 months ...	450	0	0			
		<b>ALLOWANCES—£30.</b>						
60	...	Lodging, Principal of Training College (4½ months at £75 p.a.) ...	30	0	0			
		<b>CONTINGENCIES—£2,120.</b>						
61	...	Board, etc., for Students in Residence ...	1300	0	0			
62	...	Scholarships for Home Students ...	170	0	0			
63	...	Maintenance (Lighting, Fuel, etc.) and Travelling Expenses ...	450	0	0			
64	...	Books, Stationery, etc. ...	200	0	0			
		<b>Technical Education—£3,025.</b>						
		<b>SALARIES, FIXED—£925.</b>						
65	1	Director of Technical Education ...	400	0	0			
66	1	Lecturer in Mathematics and Physics ...	375	0	0			
67	1	First Assistant, Chemical and Assay Laboratories ...	150	0	0			
		<b>SALARIES, PROVISIONAL AND TEMPORARY—£575.</b>						
68	...	Class Instructors and extra Assistance ...	575	0	0			
		<b>CONTINGENCIES—£1,525.</b>						
69	...	Technical Education ...	1525	0	0			
		<b>Manual Training—£2,060.</b>						
		<b>SALARIES, PROVISIONAL AND TEMPORARY—£1,280.</b>						
70	...	Manual Training, Cookery, etc. ...	1280	0	0			
		<b>CONTINGENCIES—£780.</b>						
71	...	Manual Training and Cookery ...	780	0	0			
		<b>Cadets—£700.</b>						
		<b>SALARIES, PROVISIONAL AND TEMPORARY, £200.</b>						
72	...	Staff ...	200	0	0			
		<b>CONTINGENCIES, £500.</b>						
73	...	Upkeep of Corps ...	500	0	0			
		Total Educational... ..	...			108615	0	0
		Carried forward ...	...			293039	19	0

*Appropriation.*

## COLONIAL SECRETARY—(continued).

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
		Brought forward ...	...			293039	19	0
<b>OBSERVATORY.</b>								
SALARIES, FIXED—£2,010.								
1	1	Government Astronomer ...	600	0	0			
2	1	First Assistant ...	350	0	0			
3	1	Astronomical Computer and Observer ...	250	0	0			
4	1	Senior Astrographic Observer ...	220	0	0			
5	1	Mechanic ...	220	0	0			
6	1	Photographer and Clerk ...	150	0	0			
7	1	Junior Astrographic Observer ...	130	0	0			
8	1	Weather Clerk ...	50	0	0			
9	1	Apprentice ...	40	0	0			
SALARIES, PROVISIONAL AND TEMPORARY—£682 4s.								
10	1	Meteorological Telegraphist and Observer, Perth ...	27	0	0			
11	1	Caretaker and Messenger, at 8s. per day ...	125	4	0			
12	1	Office Cleaner ...	30	0	0			
13	1	Observer, Albany ...	12	0	0			
14	1	Do. Balladonia ...	12	0	0			
15	1	Do. Bangemall ...	12	0	0			
16	1	Do. Breaksea Lighthouse ...	15	0	0			
17	1	Do. (Assistant) do. ...	6	0	0			
18	1	Do. do. do. ...	6	0	0			
19	1	Do. Broome ...	12	0	0			
20	1	Do. Bunbury ...	12	0	0			
21	1	Do. Cape Leeuwin Lighthouse ...	15	0	0			
22	1	Do. (Assistant) do. ...	6	0	0			
23	1	Do. do. do. ...	6	0	0			
24	1	Do. Carnarvon ...	12	0	0			
25	1	Do. Condon ...	12	0	0			
26	1	Do. Coolgardie ...	12	0	0			
27	1	Do. Cossack ...	12	0	0			
28	1	Do. Cue ...	12	0	0			
29	1	Do. Derby ...	12	0	0			
30	1	Do. Esperance Bay ...	12	0	0			
31	1	Do. Eyre ...	12	0	0			
32	1	Do. Fremantle ...	12	0	0			
33	1	Do. Geraldton ...	12	0	0			
34	1	Do. Hall's Creek ...	12	0	0			
35	1	Do. Hamelin Pool ...	12	0	0			
36	1	Do. Kalgoorlie ...	12	0	0			
37	1	Do. Karridale ...	12	0	0			
38	1	Do. Katanning ...	12	0	0			
39	1	Do. Lake Way ...	12	0	0			
40	1	Do. Laverton ...	12	0	0			
41	1	Do. Lawlers ...	12	0	0			
		Carried forward ...	2522	4	0	293039	19	0

*Appropriation.*

## COLONIAL SECRETARY—(continued).

Item o.	No. of Persons.		£	s.	d.	£	s.	d.
		Brought forward ...	...			293039	19	0
		<b>Observatory—continued.</b>						
		Brought forward ...	...					
		<b>SALARIES, PROVISIONAL AND TEMPORARY—continued.</b>						
42	1	Observer, Menzies ...	12	0	0			
43	1	Do. Nullagine ...	12	0	0			
44	1	Do. Onslow ...	12	0	0			
45	1	Do. Peak Hill ...	12	0	0			
46	1	Do. Rottneet ...	12	0	0			
47	1	Do. Southern Cross ...	12	0	0			
48	1	Do. Wyndham ...	12	0	0			
49	1	Do. Yalgoo ...	12	0	0			
50	1	Do. York ...	12	0	0			
51	1	Hydrographic Observer, Fremantle ...	12	0	0			
52	...	Temporary Labour ...	50	0	0			
		<b>CONTINGENCIES—£940.</b>						
53	...	Incidental Expenses ...	80	0	0			
54	...	Meteorological Instruments, etc. ...	300	0	0			
55	...	Stationery, Typewriters, etc. (including Books) ...	110	0	0			
56	...	Postage, Telephone Rent, and Telegrams ...	130	0	0			
57	...	Light, Fuel, Water, and Sanitary Services ...	200	0	0			
58	...	*Travelling Expenses ...	120	0	0			
		Total Observatory ...	...			3632	4	0
		<b>PHOTO-LITHOGRAPHIC.</b>						
		<b>SALARIES, FIXED—£3,490.</b>						
1	1	Government Photo-lithographer ...	325	0	0			
2	1	Clerk ...	180	0	0			
3	1	Caretaker and Messenger ...	130	0	0			
		<i>Drafting Staff.</i>						
4	1	Chief Lithographic Draftsman ...	275	0	0			
5	1	Lithographic Draftsman ...	250	0	0			
6	1	Do. ...	250	0	0			
7	1	Do. ...	230	0	0			
8	1	† Do. ...	220	0	0			
9	1	† Do. ...	200	0	0			
10	1	Do. ...	190	0	0			
		Carried forward ...	2250	0	0	296672	3	0

\* Previously classified under Incidental.

† Previously under Salaries, Provisional and Temporary.

*Appropriation.*

## COLONIAL SECRETARY—(continued).

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
		Brought forward ...	...			2966	72	3 0
		<b>Photo-Lithographic—continued.</b>						
		Brought forward ...	2250	0	0			
		<b>SALARIES FIXED—continued.</b>						
		<i>Photo-Litho. Staff.</i>						
11	1	Photo-Lithographic Operator ...	200	0	0			
12	1	*Photographic Printer ...	140	0	0			
		<i>Printing Staff.</i>						
13	1	Foreman, Lithographic Printer ...	220	0	0			
14	1	Lithographic Printer ...	200	0	0			
15	1	*Lithographic Machinist ...	170	0	0			
16	1	* Do. ...	170	0	0			
17	1	*Warehouseman, Paper-cutter ...	140	0	0			
		<b>SALARIES, PROVISIONAL AND TEMPORARY—£2,066.</b>						
		<i>Drafting Staff.</i>						
18	1	Lithographic Draftsman ...	200	0	0			
19	1	Do. ...	200	0	0			
20	1	Do. ...	200	0	0			
21	1	Do. ...	200	0	0			
22	1	Zinc Process Worker ...	250	0	0			
23	1	Photo-litho. Cadet ...	50	0	0			
		<i>Printing Staff.</i>						
24	1	Lithographic Printer ...	180	0	0			
25	1	Lithographic Machinist ...	150	0	0			
26	1	Do. Printer Assistant ...	130	0	0			
27	1	Do. Do. ...	100	0	0			
28	1	Machine Feeder ...	60	0	0			
29	1	Do. do. ...	60	0	0			
30	1	Do. do. ...	26	0	0			
31	1	Stone-cleaner ...	130	0	0			
32	1	Do. ...	130	0	0			
		<b>CONTINGENCIES—£990.</b>						
33	...	Incidental Expenses ...	30	0	0			
34	...	Postage, Telephone Rent, and Telegrams ...	25	0	0			
35	...	Photographic Material (including introduction of Zinc Etching Process) ...	300	0	0			
36	...	General Lithographic Material, Draftsmen's Requisites, Stones, Paper, Ink, etc. ...	400	0	0			
37	...	Light, Fuel, and Water ...	90	0	0			
38	...	New Machinery and Repairs ...	100	0	0			
39	...	Sanitation ...	30	0	0			
40	...	Stationery, Typewriters, etc., for Office ...	15	0	0			
		<b>Total Photo-Lithographic</b> ...	...			6546	0	0
		<b>Carried forward</b> ...	...			303218	3	0

\* Previously under Salaries, Provisional and Temporary.



*Appropriation.*

## COLONIAL SECRETARY—(continued).

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
		Brought forward ...	...			303218	3	0
		<b>*ELECTORAL.</b>						
		SALARIES, FIXED—£300.						
1	1	Inspector of Parliamentary Rolls ...	300	0	0			
		SALARIES, PROVISIONAL AND TEMPORARY— £2,383 18s. 4d.						
2	1	Chief Electoral Officer ...	100	0	0			
3	1	Clerk, Perth ...	170	0	0			
4	1	Do. ...	150	0	0			
5	1	Junior Clerk, Perth ...	60	0	0			
6	1	Electoral Registrar, Albany and Plantagenet (2) ...	45	0	0			
7	1	Do. Beverley ...	20	0	0			
8	1	Do. Boulder, Kalgoorlie, and Hannans (3) ...	190	0	0			
9	1	Do. Bunbury ...	25	0	0			
10	1	Do. Subiaco; 11 months at £100, 11 months at £75 ...	77	1	8			
11	1	Do. Cockburn Sound ...	50	0	0			
12	1	Do. Coolgardie and Mount Burges ...	170	0	0			
13	1	Do. Cue ...	25	0	0			
14	1	Do. Dundas ...	25	0	0			
15	1	Do. Fremantle, East, North, and South (4) ...	190	0	0			
16	1	Do. Gascoyne ...	15	0	0			
17	1	Do. Geraldton ...	35	0	0			
18	1	Do. Greenough ...	15	0	0			
19	1	Do. Guildford and Swan ...	100	0	0			
20	1	Do. Irwin ...	15	0	0			
21	1	Do. Kimberley, East ...	15	0	0			
22	1	Do. do. West ...	15	0	0			
23	1	Do. Kanowna ...	170	0	0			
24	1	Do. Menzies ...	40	0	0			
25	1	Do. Moore ...	20	0	0			
26	1	Do. Murchison ...	15	0	0			
27	1	Do. do. North ...	15	0	0			
28	1	Do. Mt. Magnet ...	35	0	0			
29	1	Do. Mt. Margaret ...	40	0	0			
30	1	Do. Murray ...	20	0	0			
31	1	Do. Claremont; 11 months at £50 per annum ...	45	16	8			
32	1	Do. Northam ...	25	0	0			
33	1	Do. Nelson ...	15	0	0			
34	1	Do. Perth, East, West, and North (4) ...	200	0	0			
35	1	Do. Pilbarra ...	20	0	0			
36	1	Do. Roebourne ...	20	0	0			
37	1	Do. South-West Mining ...	25	0	0			
		Carried forward ...	2512	18	4	303218	3	0

\* Previously classified under Office of Colonial Secretary.

*Appropriation.***COLONIAL SECRETARY—(continued).**

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
		Brought forward ...	...			303218	3	0
		<b>Electoral—continued.</b>						
		Brought forward ...	2512	18	4			
		<b>SALARIES, PROVISIONAL AND TEMPORARY—continued.</b>						
38	1	Electoral Registrar, South Perth ...	50	0	0			
39	1	Do. Sussex ...	20	0	0			
40	1	Do. Toodyay ...	20	0	0			
41	1	Do. Wellington ...	15	0	0			
42	1	Do. Williams ...	20	0	0			
43	1	Do. Yilgarn ...	20	0	0			
44	1	Do. York ...	20	0	0			
45	1	Office Cleaner, Fremantle ...	6	0	0			
		<b>CONTINGENCIES—£1,950.</b>						
46	...	Extra Assistance in the Preparation of Electoral Rolls, Fees to Returning and Presiding Officers, Clerks, Municipal Councils and Roads Boards, Advertising, and other Expenses in connection with Elections ...	1500	0	0			
47	...	Postage, Telephone Rent and Telegrams ...	250	0	0			
48	...	Fuel and Light ...	20	0	0			
49	...	Travelling Expenses of Salaried Officers ...	100	0	0			
50	...	Stationery, Typewriters, etc. ...	50	0	0			
51	...	Referendum ...	30	0	0			
		Total Electoral ...				4633	18	4
		<b>Total Colonial Secretary</b> ...				307852	1	4
		Amount brought forward from Total to COLONIAL TREASURER ...				441101	2	3
		Amount carried forward to Total MINISTER FOR WORKS ...				748953	3	7

*Appropriation.***VIII.—MINISTER FOR WORKS.**

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
<b>PUBLIC WORKS.</b>								
<b>GENERAL DIVISION—£28,953.</b>								
<b>SALARIES, FIXED—£3,730.</b>								
		Minister For Works (Civil List).						
1	1	Under Secretary for Public Works ...	600	0	0			
2	1	Chief Clerk ...	400	0	0			
3	1	Chief Accountant and Paymaster ...	500	0	0			
4	1	Land Purchase and Estate Officer ...	400	0	0			
5	1	Head Clerk Accounts Office ...	300	0	0			
6	1	Chief Correspondence Clerk ...	290	0	0			
7	1	Registrar (Public Works Records) ...	250	0	0			
8	1	Do. (Architectural Records) ...	250	0	0			
9	1	Clerk (Minister's and General) ...	250	0	0			
10	1	Roads Boards Clerk ...	250	0	0			
11	1	Custodian of Plans ...	240	0	0			
<b>SALARIES, PROVISIONAL AND TEMPORARY—£11,334.</b>								
12	1	Clerk (Contracts) ...	240	0	0			
13	1	Correspondence and Shorthand Clerk ...	225	0	0			
14	1	Shorthand Clerk (Correspondence) ...	190	0	0			
15	1	Do. (Correspondence) ...	190	0	0			
16	1	Clerk (Land Purchase and Estate Office) ...	190	0	0			
17	1	Do. (Public Works Records) ...	180	0	0			
18	1	Do. (Record of Service and General) ...	180	0	0			
19	1	Relieving Clerk ...	170	0	0			
20	1	Clerk (Architectural Records) ...	160	0	0			
21	1	Do. (Public Works Records) ...	160	0	0			
22	1	Do. (Architectural Records) ...	120	0	0			
23	1	Do. (Public Works Records) ...	130	0	0			
24	1	Junior Clerk (Correspondence) ...	80	0	0			
25	1	Clerk (Public Works Records) ...	110	0	0			
26	1	Junior Clerk ...	100	0	0			
27	1	Typist (Correspondence) ...	100	0	0			
28	1	Junior Clerk ...	90	0	0			
29	1	Do. (Land Purchase and Estate Office) ...	90	0	0			
30	1	Hall Porter ...	130	0	0			
31	1	Messenger ...	125	0	0			
32	1	Caretaker, Coolgardie Exhibition Building ...	104	0	0			
33	1	Caretaker, Barracks ...	100	0	0			
Carried forward ...			6894	0	0			

*Appropriation.***MINISTER FOR WORKS—(continued).**

Item No.	No. of Persons		£	s.	d.	£	s.	d.
<b>Public Works—continued.</b>								
<b>General Division—continued.</b>								
		Brought forward	...	6894	0	0		
<b>ACCOUNTS AND PAY OFFICE.</b>								
34	1	Clerk (Chief Pay Clerk) ...	...	250	0	0		
35	1	Do. (Travelling Auditor) ...	...	250	0	0		
36	1	Do. (Statistical and Returns, etc.) ...	...	240	0	0		
37	1	Do. (Pay Office) ...	...	210	0	0		
38	1	Do. (Chief Ledgerkeeper) ...	...	200	0	0		
39	1	Do. (Deposits and Records) ...	...	200	0	0		
40	1	Do. (Check Clerk and Stores Vouchers Scrutineer) ...	...	200	0	0		
41	1	Do. (Ledgerkeeper) ...	...	190	0	0		
42	1	Do. (Pay Office) ...	...	200	0	0		
43	1	Do. (Relieving Officer) ...	...	170	0	0		
44	1	Do. (Condition of Votes Ledgerkeeper) ...	...	180	0	0		
45	1	Do. (Schedule Clerk) ...	...	180	0	0		
46	1	Do. (Loan Ledgerkeeper) ...	...	180	0	0		
47	1	Do. (Stationery and General) ...	...	180	0	0		
48	1	Do. (Authorities Clerk) ...	...	180	0	0		
49	1	Do. (Salaries and Appointments) ...	...	180	0	0		
50	1	Do. (Check Ledgerkeeper) ...	...	180	0	0		
51	1	Do. (Ledgerkeeper) ...	...	180	0	0		
52	1	Do. (Pay Clerk and Cash Bookkeeper) ...	...	170	0	0		
53	1	Do. (General Cash Book-keeper) ...	...	180	0	0		
54	1	Do. (Schedule Clerk) ...	...	160	0	0		
55	1	Do. (Pay Office) ...	...	140	0	0		
56	1	Shorthand Writer and Typist ...	...	140	0	0		
57	1	Clerk (Registrar of Vouchers) ...	...	120	0	0		
58	1	Do. (Pay Office) ...	...	120	0	0		
59	1	Typist ...	...	120	0	0		
60	1	Clerk (Despatch Clerk) ...	...	100	0	0		
61	1	Junior Clerk (General) ...	...	50	0	0		
62	1	Messenger ...	...	70	0	0		
63	...	Temporary Assistance for all Branches ...	...	500	0	0		
64	...	Wages of Storeman, Packers, etc., Store Manager's office ...	...	350	0	0		
65	...	Wages of Office Cleaners and Labourers employed in Public Offices, Perth ...	...	2400	0	0		
<b>CONTINGENCIES—£13,889.</b>								
66	...	Postages and Telephone Rents ...	...	750	0	0		
67	...	Stationery and office requisites ...	...	500	0	0		
68	...	Advertising ...	...	1150	0	0		
69	...	Allowances and Travelling Expenses ...	...	2700	0	0		
70	...	Incidental Expenses ...	...	1500	0	0		
71	...	Minor Railway Freights ...	...	50	0	0		
72	...	Railway Fares ...	...	1300	0	0		
		Carried forward	...	23014	0	0		

*Appropriation.***MINISTER FOR WORKS—(continued).**

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
<b>Public Works—continued.</b>								
<b>General Division—continued.</b>								
		Brought forward ...	23014	0	0			
<b>CONTINGENCIES—continued.</b>								
73	...	Telegrams and Cablegrams ...	1000	0	0			
74	...	Materials for Cleaning Offices ...	75	0	0			
75	...	Field Instruments and Repairs ...	100	0	0			
76	...	Office accommodation rented ...	1600	0	0			
77	...	Insurance Public Buildings, Marine Risks, etc. ...	3150	0	0			
78	...	Recoup to Field Order Account for loss of registered letter in the wreck of s.s. "Karrakatta" ...	14	0	0			
<b>ENGINEERING DIVISION— £168,225.</b>								
<b>SALARIES, FIXED—£2,460.</b>								
79	1	Engineer-in-Chief ...	1500	0	0			
80	1	Assistant Superintendent of Public Works ...	500	0	0			
81	1	Shorthand and Correspondence Clerk ...	250	0	0			
82	1	Do do do ...	210	0	0			
<b>SALARIES, PROVISIONAL AND TEMPORARY—£4,495.</b>								
83	1	Junior Clerk and Typist ...	120	0	0			
84	1	Messenger ...	50	0	0			
85	1	Do. ...	50	0	0			
<b>Roads and Bridges Works.</b>								
<i>(Also General Water Supply. Staff for latter provided on Loan Estimates.)</i>								
86	1	Engineer-in-Charge [also in charge of General Water Supply and Metropolitan (Perth and Fremantle) Sewerage and Water Supply] ...	100	0	0			
87	1	District Engineer ...	400	0	0			
88	1	Resident Engineer ...	325	0	0			
89	1	Clerk ...	275	0	0			
90	1	Assistant Engineer ...	240	0	0			
91	1	Draftsman ...	200	0	0			
92	1	Clerk (Shorthand) ...	200	0	0			
93	1	Supervisor ...	180	0	0			
94	1	Do. ...	180	0	0			
95	1	Messenger and Junior Clerk ...	100	0	0			
		Carried forward ...	33833	0	0			

*Appropriation.***MINISTER FOR WORKS—(continued).**

Item No.	No. of Person.		£	s.	d.	£	s.	d.
<b>Public Works—continued.</b>								
<b>Engineering Division—continued.</b>								
		Brought forward	...	33833	0	0		
<b>Harbour and River Works.</b>								
<i>(Exclusive of Fremantle Harbour Works.)</i>								
Engineer-in-Charge (also in charge of Railway Construction).								
96	1	Resident Engineer	...	400	0	0		
97	1	Do.	...	325	0	0		
98	1	Travelling Supervisor	...	250	0	0		
99	1	Assistant Engineer	...	230	0	0		
100	1	Draftsman	...	200	0	0		
101	1	Assistant Engineer	...	200	0	0		
102	1	Clerk	...	200	0	0		
103	1	Supervisor (Derby)	...	200	0	0		
104	1	Junior Clerk	...	70	0	0		
<b>Roads and Bridges Works, £110,179.</b>								
105	...	Roads and Bridges throughout the State	...	50000	0	0		
106	...	Grant-in-Aid for Roads Boards which have struck a general rate	...	5000	0	0		
<b>BRIDGES, £18,849.</b>								
107	...	Arthur, Rebuilding Albany Road Bridge over Beaufort River	...	430	0	0		
108	...	Beverley, Bridge over Hammersley Gully and Dale River; Culvert on Water Hatch Road	...	100	0	0		
109	...	Beverley, County Peak Road Bridge on road to Mount Rokeby Railway Siding	...	300	0	0		
110	...	Bunbury, Elgin Bridge over Gynadup Brook	...	230	0	0		
111	...	Collie, Gibb's Ford Bridge over Collie River on main road to Williams	...	450	0	0		
112	...	Forrest Street (Cottesloe) Bridge over Railway	...	24	0	0		
113	...	Fremantle Road Bridges (2)—Lighting and Maintenance	...	350	0	0		
114	...	Goomalling, Crossing over Salt River on road approaches to Railway	...	200	0	0		
115	...	Guildford, Helena River Bridge	...	2550	0	0		
116	...	Guildford, Barker's Bridge over Swan River	...	60	0	0		
117	...	Northam, Bridge over Salt River, Repairs and Widening	...	250	0	0		
118	...	Northam, Nulgaering Bridge over Mortlock River	...	700	0	0		
119	...	Perth Causeway—Lighting and Maintenance	...	400	0	0		
120	...	Perth-Bunbury Road, Reconstructing Bridges	...	250	0	0		
121	...	Sinclair's Crossing Bridge	...	1175	0	0		
122	...	Swan, Hitchcock's Bridge on Newcastle Road	...	130	0	0		
123	...	Swan, Edwards' Bridge on West Swan Road	...	100	0	0		
124	...	Toodyay, Footbridge at Jumperdine	...	250	0	0		
125	...	Upper Blackwood, Cundinup Bridge over Blackwood River	...	500	0	0		
126	...	Williams, Camballing Bridge over Hotham River	...	400	0	0		
127	...	William Street Bridge, Perth	...	10000	0	0		
		Carried forward	...	109757	0	0		

*Appropriation.***MINISTER FOR WORKS—(continued).**

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
<b>Public Works—continued.</b>								
<b>Engineering Division—continued.</b>								
		Brought forward ...	109757	0	0			
<b>ROADS AND BRIDGES WORKS—continued.</b>								
<b>ROADS—£36,330.</b>								
128	...	Albany Road, through Park and Lower King Road, near Lake Sepping ...	300	0	0			
129	...	Albany Road, Torbay Inlet to Torbay Junction ...	150	0	0			
130	...	Bayswater, Railway Station to Beechboro' Road ...	200	0	0			
131	...	Boulder, Construction of Burt Street towards Racecourse ...	200	0	0			
132	...	Boulder, Cemetery Road ...	200	0	0			
133	...	Burtville Township Main Roads ...	100	0	0			
134	...	Brunswick, Approach to Roelands Railway Station ...	110	0	0			
135	...	Brunswick, Clifton Agricultural Area Roads ...	200	0	0			
136	...	Brunswick, Uduc Agricultural Area Roads ...	150	0	0			
137	...	Brunswick, Harvey Agricultural Area Roads ...	150	0	0			
138	...	Bayswater, Main Road ...	150	0	0			
139	...	Canning Road (Fremantle to Perth) ...	1000	0	0			
140	...	Collie, Main Road to Williams ...	200	0	0			
141	...	Canning, Road to Hills ...	100	0	0			
142	...	Claremont, Roads to College ...	150	0	0			
143	...	Collie-Preston Road ...	100	0	0			
144	...	Coolgardie-Burbanks Road ...	400	0	0			
145	...	Coolgardie Cemetery Road ...	350	0	0			
146	...	Cottesloe, Railway Street, East ...	200	0	0			
147	...	Donnybrook, Main Road to Goldfields, including Emerald Street, Crendon Road, and Bridge over Nonnygup Brook ...	60	0	0			
148	...	Drakesbrook Agricultural Area Roads ...	350	0	0			
149	...	Dardanup, Collie Agricultural Area Roads ...	150	0	0			
150	...	Day Dawn, Road to Goodshed and Repairs to Drain ...	320	0	0			
151	...	Esperance-Norseman Main Road ...	250	0	0			
152	...	East Fremantle, Drain from depression between Plympton and Richmond into river ...	500	0	0			
153	...	Fremantle to Rockingham, Main Road ...	350	0	0			
154	...	Forrest Road <i>via</i> Lake Bibra (Fremantle to Jandakot) ...	1000	0	0			
155	...	Fremantle, Road from Robb's Jetty to Rockingham Road ...	150	0	0			
156	...	Fremantle, Road connecting Forrest and Beenup Roads ...	100	0	0			
157	...	Gingin, Main Road ...	100	0	0			
158	...	Greenough, Road between Front and Back Flats ...	250	0	0			
159	...	Greenbushes, Main Road to Bridgetown ...	200	0	0			
160	...	Goomalling, Railway Approach Roads ...	250	0	0			
161	...	Gooseberry Hill Road ...	800	0	0			
162	...	Kalgoorlie, Bulong Road, Repairs ...	200	0	0			
		Carried forward ...	119197	0	0			

*Appropriation.***MINISTER FOR WORKS—(continued).**

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
<b>Public Works—continued.</b>								
<b>Engineering Division—continued.</b>								
		Brought forward ...	119197	0	0			
<b>ROADS AND BRIDGES WORKS—continued.</b>								
<b>ROADS—continued.</b>								
163	...	Kalgoorlie, Boulder Road through Kalgoorlie and Boulder Municipalities and Kalgoorlie Roads Board Districts ...	250	0	0			
164	...	Kalgoorlie, Boulder and Mines Road ...	250	0	0			
165	...	Kalgoorlie, Williamstown Residence Area Roads ...	100	0	0			
166	...	Kalgoorlie, Lake View Residence Area Road ...	200	0	0			
167	...	Katanning-Cobolone Road and Ford ...	150	0	0			
168	...	Leederville, Newcastle and Oxford Streets ...	350	0	0			
169	...	Leederville, Railway Parade and Kerr Streets ...	400	0	0			
170	...	Leederville, Government Road to Glendalough ...	100	0	0			
171	...	Lower Gascoyne, Ella Valla Road ...	100	0	0			
172	...	Lower Gascoyne, Coborin to Dooramarrh Road ...	200	0	0			
173	...	Murray, Pinjarrah-Mandurah Road ...	200	0	0			
174	...	Midland Junction, Road to Sanitary Depôt and Cemetery ...	350	0	0			
175	...	Murchison District, Windsor Castle to No. 2 Well ...	50	0	0			
176	...	Margaret River Caves District, including Yalingup-Opening Roads and Track ...	750	0	0			
177	...	Mundaring, Road from Weir to Station ...	150	0	0			
178	...	Northampton, Road from East Chapman to Newmarra-carra Siding ...	100	0	0			
179	...	Northampton, Road from Mt. Erin Station via Narratarra to 16-Mile Siding ...	200	0	0			
180	...	Norseman, Road Lake Cowan Causeway to Town ...	250	0	0			
181	...	North Perth, Wanneroo Road through North Perth and Perth Roads Boards Districts ...	500	0	0			
182	...	Perth-Albany Road through Victoria Park, Canning, and Kelmscott Districts ...	750	0	0			
183	...	Perth-Fremantle Road Maintenance ...	1000	0	0			
184	...	Perth to Guildford Main Road ...	1500	0	0			
185	...	Perth Park, May Drive, Completion ...	350	0	0			
186	...	Perth, Wood-blocking Wellington Street and Barrack Street (half cost) ...	2000	0	0			
187	...	Port Hedland Causeway Repairs ...	2000	0	0			
188	...	Paddington, Road from Railway Station to Post Office ...	100	0	0			
189	...	Phillips River, Road Ravensthorpe to Hopetoun ...	400	0	0			
190	...	Port Hedland, Causeway over Creek ...	100	0	0			
191	...	Pilbarra District, Carbara to Mosquito Creek ...	100	0	0			
192	...	Perth, Havelock Street ...	170	0	0			
193	...	Roebourne, Cossack-Roebourne Road, Maintenance ...	200	0	0			
194	...	Subiaco, Broome Road, Widening ...	400	0	0			
195	...	Swan District, West Swan Road ...	100	0	0			
196	...	Sussex, Quindalup Road ...	100	0	0			
		Carried forward ...	133117	0	0			



*Appropriation.***MINISTER FOR WORKS—(continued).**

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
<b>Public Works—continued.</b>								
<b>Engineering Division—continued.</b>								
		Brought forward ...	133117	0	0			
<b>ROADS AND BRIDGES WORKS—continued.</b>								
<b>ROADS—continued.</b>								
197	...	Victoria Plains, Koojan-Moora Road ...	150	0	0			
198	...	Victoria Park and South Perth, Suburban Road, Repairs ...	500	0	0			
199	...	Woodman's Point, Roads in Quarantine Area connecting with Main Road ...	1000	0	0			
200	...	West Guildford, Guildford to Bayswater, Main Road ...	250	0	0			
201	...	Woodside, Road and Culvert ...	100	0	0			
202	...	Wyndham, Road to Goldfields ...	100	0	0			
203	...	Wyndham, Bastion Road ...	120	0	0			
204	...	Claremont Road to Beach ...	1000	0	0			
205	...	Perth-Fremantle Road ...	6000	0	0			
206	...	Kalgoorlie, Forrest Street, Metalling ...	750	0	0			
207	...	Road to Perth Sanitary Site ...	3000	0	0			
<b>Harbour and River Works—£6,911.</b>								
<i>(Excepting Fremantle Harbour Works.)</i>								
208	...	Additions and Repairs to Jetties, Stock Yards, and River Improvements ...	2500	0	0			
209	...	Derby, Wool Shed ...	630	0	0			
210	...	Derby Cattle Yards, additional Fencing and Earthworks ...	231	0	0			
211	...	Esperance Jetty, Working Expenses ...	200	0	0			
212	...	Geraldton, Esplanade and Improvements to Old Rail- way Station ...	250	0	0			
213	...	Mandurah, Repairs to Training Wall ...	200	0	0			
214	...	Plant and Tools ...	250	0	0			
215	...	Port Hedland, Jetty Tramway Extension ...	50	0	0			
216	...	Tramways, Maintenance, Rolling Stock, etc. ...	1750	0	0			
217	...	Woodman's Point, Quarantine Jetty and Tramway ...	500	0	0			
218	...	Hauling up privately-owned vessels on Fremantle slip ...	350	0	0			
<b>General Water Supply Works—£22,670.</b>								
<i>(Provision for Staff and Construction Works made on Loan Estimates.)</i>								
<b>WAGES, PROVISIONAL AND TEMPORARY—£4,850.</b>								
219	...	Eastern Goldfields—Wages of Caretakers, Yardsmen, Drivers, etc. ...	3400	0	0			
220	...	Murchison and Peak Hill Goldfields—Wages of Care- takers, Yardsmen, Drivers, etc. ...	900	0	0			
221	...	Pilbarra Goldfields—Wages of Caretakers, Yardsmen, Drivers, etc. ...	350	0	0			
222	...	Other Goldfields ...	200	0	0			
		Carried forward ...	157848	0	0			

*Appropriation.***MINISTER FOR WORKS—(continued).**

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
<b>Public Works—continued.</b>								
<b>Engineering Division—continued.</b>								
		Brought forward ...	157848	0	0			
<b>GENERAL WATER SUPPLY WORKS—continued.</b>								
<b>CONTINGENCIES—£8,000.</b>								
223	...	Eastern Goldfields—Upkeep of Bores, Condensers, Clay-pans, Lagoons, Reservoirs, Soaks, Tanks, Roads, etc.	3000	0	0			
224	...	Murchison and Peak Hill Goldfields—Upkeep of Bores, Condensers, Clay-pans, Lagoons, Reservoirs, Soaks, Tanks, Roads, etc.	2000	0	0			
225	...	Pilbarra Goldfields—Upkeep of Bores, Condensers, Clay-pans, Lagoons, Reservoirs, Soaks, Tanks, Roads, etc.	1300	0	0			
226	...	Other Goldfields ...	200	0	0			
227	...	Stock Routes—Improvements and Maintenance ...	1500	0	0			
<b>OTHER SERVICES—£5,760.</b>								
228	...	Agricultural Areas, Boring for Water ...	200	0	0			
229	...	Bulong Water Supply, Fire Brigade ...	200	0	0			
230	...	Cue Water Supply, Reticulation ...	300	0	0			
231	...	Derby Water Supply ...	360	0	0			
232	...	Derby, Goody Goody Well ...	200	0	0			
233	...	Kanowna Water Supply, Fire Prevention ...	250	0	0			
234	...	Maintenance of Boring Plants ...	1200	0	0			
235	...	Maintenance and Minor Extensions of Water Supplies not otherwise provided for ...	700	0	0			
236	...	Moorra Agricultural Area—Construction of Dam ...	200	0	0			
237	...	Water Supply and Boring generally ...	1500	0	0			
238	...	Wyndham Water Supply Residency Well, 3-mile and 80-mile Well Repairs, etc. ...	50	0	0			
239	...	Woodanilling Tank ...	100	0	0			
240	...	Yardarino (West Dongara) Boring ...	500	0	0			
<b>Fremantle Water Supply—£4,060.</b>								
<b>SALARIES, PROVISIONAL AND TEMPORARY—£2,960.</b>								
241	...	Superintendent ...	300	0	0			
242	...	Bookkeeper ...	200	0	0			
243	...	Clerk ...	180	0	0			
244	...	Clerk and Typist ...	120	0	0			
245	...	Collector ...	160	0	0			
246	...	Wages of Mechanics, etc. ...	2000	0	0			
<b>CONTINGENCIES—£1,100.</b>								
247	...	Materials, Upkeep, Services to Houses, etc. ...	1100	0	0			
		Carried forward ...	175668	0	0			

*Appropriation.***MINISTER FOR WORKS—(continued).**

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
<b>Public Works—continued.</b>								
<b>Engineering Division—continued.</b>								
		Brought forward ...	175668	0	0			
<b>Engineering Surveys and Railway Construction—£21,510.</b>								
<i>(Provision for Staff and other Construction Works made on Loan Estimates).</i>								
248	...	Land Resumption Surveys and Plans on opened lines ...	350	0	0			
249	...	Miscellaneous Surveys ...	100	0	0			
250	...	Owen's Anchorage Railway—Land Resumption ...	60	0	0			
251	...	Menzies-Leonora Railway—Traffic Expenses during construction ...	16000	0	0			
252	...	Removal of Explosives Magazine to Case Point, and construction of Railway thereto. (Estimated cost £20,000)	5000	0	0			
		Total Public Works ...	197178	0	0	197178	0	0
<hr/>								
<b>PUBLIC BUILDINGS.</b>								
<hr/>								
<b>ARCHITECTURAL DIVISION.</b>								
<b>SALARIES, FIXED—£2,000.</b>								
<b>HEAD OFFICE.</b>								
1	1	Superintendent of Public Buildings ...	700	0	0			
2	1	Government Electrician ...	350	0	0			
3	1	Principal Clerk ...	300	0	0			
<b>CHIEF INSPECTOR OF WORKS' OFFICE.</b>								
4	1	Chief Inspector of Works ...	450	0	0			
5	1	Sanitary Supervisor ...	200	0	0			
<b>SALARIES, PROVISIONAL AND TEMPORARY—£11,931.</b>								
<b>HEAD OFFICE.</b>								
<b>Accounts.</b>								
6	1	Bookkeeper ...	260	0	0			
7	1	Clerk ...	200	0	0			
8	1	Do. ...	140	0	0			
9	1	Junior Clerk ...	130	0	0			
		Carried forward ...	2730	0	0	197178	0	0

*Appropriation.*

## MINISTER FOR WORKS—(continued).

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
		Brought forward ...	...			197178	0	0
		<b>Public Buildings—continued.</b>						
		<b>Architectural Division—continued.</b>						
		Brought forward ...	2730	0	0			
		<b>SALARIES, PROVISIONAL AND TEMPORARY—continued.</b>						
		<b>HEAD OFFICE—continued.</b>						
		<i>Clerical.</i>						
10	1	Shorthand Clerk (Correspondence) ...	225	0	0			
11	1	Clerk (Returns, etc.) ...	180	0	0			
12	1	Do. ...	90	0	0			
13	1	Do. (Despatch) ...	150	0	0			
14	1	Do. (Electrician's Office) ...	120	0	0			
15	1	Principal Typist ...	140	0	0			
16	1	Office Boy ...	40	0	0			
		<b>CHIEF ARCHITECT'S OFFICE.</b>						
		<i>General.</i>						
17	1	Chief Architect ...	650	0	0			
18	1	Assistant Architect ...	300	0	0			
		<i>Drafting.</i>						
19	1	1st Class Draftsman ...	270	0	0			
20	1	Do. do. ...	260	0	0			
21	1	Do. do. ...	260	0	0			
22	1	2nd Class do. ...	210	0	0			
23	1	Do. do. ...	210	0	0			
24	1	Do. do. ...	200	0	0			
25	1	3rd Class do. ...	196	0	0			
26	1	Do. do. ...	190	0	0			
27	1	Junior do. ...	100	0	0			
		<i>Specifications.</i>						
28	1	Specification Writer ...	200	0	0			
		<i>Quantities.</i>						
29	1	Quantities Clerk ...	200	0	0			
		<i>Clerical, etc.</i>						
30	1	Shorthand and Typing Clerk ...	210	0	0			
31	1	Clerk (Certificates and Accounts) ...	210	0	0			
32	1	Typist ...	100	0	0			
		Carried forward ...	7441	0	0	197178	0	0

*Appropriation.*

## MINISTER FOR WORKS—(continued).

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
		Brought forward ...	...			197178	0	0
		<b>Public Buildings—continued.</b>						
		<b>Architectural Division—continued.</b>						
		Brought forward ...	7441	0	0			
		<b>SALARIES, PROVISIONAL AND TEMPORARY—continued.</b>						
		<b>CHIEF INSPECTOR'S OFFICE.</b>						
		<i>General.</i>						
33	1	Principal Assistant Inspector of Works ...	300	0	0			
34	1	Assistant Inspector of Works ...	270	0	0			
35	1	Do. do. ...	210	0	0			
36	1	Do. do. ...	210	0	0			
		<i>Drafting.</i>						
37	1	1st Class Draftsman ...	270	0	0			
38	1	2nd Class do. ...	225	0	0			
39	1	Specification Writer ...	180	0	0			
40	1	Junior Draftsman ...	140	0	0			
		<i>Clerical, etc.</i>						
41	1	Shorthand Clerk ...	225	0	0			
42	1	Clerk (Authorities) ...	210	0	0			
43	1	Junior Clerk ...	80	0	0			
44	1	Typist ...	120	0	0			
45	1	Office Boy ...	40	0	0			
		<b>GOLDFIELDS AND N.W. OFFICES.</b>						
		<i>General.</i>						
46	1	Resident Officer, Coolgardie Goldfields ...	330	0	0			
47	1	Do. Murchison Goldfields ...	300	0	0			
48	1	Do. North-West Coast and Pilbarra ...	275	0	0			
		<i>Clerical, Drafting, etc.</i>						
49	1	Draftsman and Clerk (Coolgardie Office) ...	170	0	0			
50	1	Do. do. (Murchison Office) ...	150	0	0			
		<i>Supervision.</i>						
51	1	1st Class Supervisor (Goldfields) ...	225	0	0			
52	1	Do. do. do. ...	225	0	0			
53	1	Draftsman and Supervisor (Coolgardie) ...	200	0	0			
		<b>DISTRICT OFFICES.</b>						
54	1	District Officer (Albany) ...	275	0	0			
55	1	Junior Clerk ...	50	0	0			
		Carried forward ...	12121	0	0	197178	0	0

*Appropriation.***MINISTER FOR WORKS—(continued).**

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
		Brought forward ...	...			197178	0	0
		<b>Public Buildings—continued.</b>						
		<b>Architectural Division—continued.</b>						
		Brought forward ...	12121	0	0			
		<b>SALARIES, PROVISIONAL AND TEMPORARY—continued.</b>						
		<b>GENERAL SUPERVISION.</b>						
		<i>(Exclusive of Goldfields and N.W.)</i>						
56	1	Inspecting Officer ...	300	0	0			
57	1	Supervisor ...	200	0	0			
58	1	1st Class Supervisor ...	200	0	0			
59	1	Do. do. ...	200	0	0			
60	1	Do. do. ...	200	0	0			
61	1	Do. do. ...	200	0	0			
62	1	2nd Class Supervisor ...	180	0	0			
63	1	Do. do. ...	230	0	0			
		<b>CADETS.</b>						
64	...	Cadets ...	100	0	0			
		<b>BUILDINGS AND OTHER SERVICES FOR THE COLONIAL SECRETARY'S DEPARTMENT—£20,560.</b>						
		<i>Hospitals and Quarantine Stations, £11,460.</i>						
65	...	Additions and Repairs to existing Buildings (capital cost, £180,000) ...	3000	0	0			
66	...	Broome Hospital, Mortuary ...	150	0	0			
67	...	Bunbury Hospital, Septic Tank and Drainage ...	250	0	0			
68	...	Collie Hospital, Additions and Fencing ...	300	0	0			
69	...	Fremantle Hospital, Morgue ...	250	0	0			
70	...	Fremantle Lunatic Asylum, Repairs and Improvements ...	600	0	0			
71	...	Kalgoorlie Hospital, Administration Offices, Surgical Ward, and Operating Theatre ...	3350	0	0			
72	...	Kalgoorlie Hospital, Alterations and Improvements ...	250	0	0			
73	...	Kookynie Hospital ...	600	0	0			
74	...	Marble Bar Hospital, Fencing ...	50	0	0			
75	...	Perth Hospital, Electric Lighting ...	60	0	0			
76	...	Perth Hospital, Improvements to Grounds ...	100	0	0			
77	...	Perth Public Hospital, Repairs, Painting, and Fencing ...	350	0	0			
78	...	Perth Hospital, New Infectious Diseases Ward ...	350	0	0			
79	...	Phillips River (Ravensthorpe) Hospital Grant ...	100	0	0			
80	...	Whitby Auxiliary Lunatic Asylum, Additions and Water Supply, and new Piggeries ...	350	0	0			
81	...	Whitby Lunatic Asylum ...	1000	0	0			
82	...	Whitby Lunatic Asylum, Stabling ...	150	0	0			
83	...	Boulder Morgue ...	200	0	0			
		Carried forward ...	25391	0	0	197178	0	0

*Appropriation.***MINISTER FOR WORKS—(continued).**

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
		Brought forward ...	...			197178	0	0
		<b>Public Buildings—continued.</b>						
		<b>Architectural Division—continued.</b>						
		Brought forward ...	25391	0	0			
		<b>BUILDINGS AND OTHER SERVICES FOR THE COLONIAL SECRETARY'S DEPARTMENT—continued.</b>						
		<i>Gaols and Quarters, £2,650.</i>						
84	...	Additions and Repairs to Existing Buildings (capital cost, £82,500) ...	500	0	0			
85	...	Derby Gaol ...	500	0	0			
86	...	Fremantle Prison, and Warders' Quarters, General Repairs ...	600	0	0			
87	...	Fremantle Prison Workshops ...	200	0	0			
88	...	Fremantle Prison, Sanitary Drainage and Septic Tank ...	100	0	0			
89	...	Fremantle Prison, Fire Prevention ...	250	0	0			
90	...	Wyndham Gaol, Strengthening Fence and other Improvements ...	500	0	0			
		<i>Industrial Schools, etc., £550.</i>						
91	...	Additions and Repairs to Existing Buildings (capital cost, £8,000) ...	200	0	0			
92	...	Subiaco Industrial School, Additions ...	350	0	0			
		<i>Libraries, Museums, Observatories, etc., £4,250.</i>						
93	...	Additions and Repairs to Existing Buildings (capital cost, £31,000) ...	350	0	0			
94	...	Perth Observatory, including Instruments and Erection thereof, Furniture and Astronomical Buildings ...	350	0	0			
95	...	Perth Museum (Fittings) ...	300	0	0			
96	...	Victoria Public Library and Museum ...	250	0	0			
97	...	Geological Museum Building ...	3,000	0	0			
		<i>Government Houses, £1,150.</i>						
98	...	Additions and Repairs to Existing Buildings (capital cost, £50,000) ...	350	0	0			
99	...	Rottneet Cottage, Renovations, Water Supply, Drainage, etc. ...	500	0	0			
100	...	Perth Government House, Drainage and Sanitary Improvements ...	300	0	0			
		<i>Magistrates' Residences, etc., £500.</i>						
101	...	Additions and Repairs to Existing Buildings (capital cost, £12,700) ...	500	0	0			
		Carried forward ...	34491	0	0	197178	0	0

*Appropriation.***MINISTER FOR WORKS—(continued).**

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
		Brought forward ...				197178	0	0
		<b>Public Buildings—continued.</b>						
		<b>Architectural Division—continued.</b>						
		Brought forward ...	34491	0	0			
		<b>BUILDINGS AND OTHER SERVICES FOR THE COLONIAL TREASURER'S DEPARTMENT—£10,290.</b>						
		<i>Lighthouses, Lighthouse Keepers', Pilot Crews' Quarters, etc., £1,820.</i>						
102	...	Additions and Repairs to Existing Buildings (capital cost, £36,500) ...	1750	0	0			
103	...	Fremantle Harbour Master's Crews' Quarters ...	70	0	0			
		<i>Government Stores, £250.</i>						
104	...	Fremantle Government Store, Iron Racks, Weather Sheds, and other additions ...	250	0	0			
		<i>Police Stations and Quarters, £8,020.</i>						
105	...	Additions and Repairs to Existing Buildings (capital cost, £142,500) ...	3000	0	0			
106	...	Boulder, Lockup, Additional Cells ...	250	0	0			
107	...	Burbanks Lockup, Quarters, Stabling and Forage Room ...	500	0	0			
108	...	Kalgoorlie, Stables Additions ...	75	0	0			
109	...	Kookynie Lockup, Removal from Niagara ...	150	0	0			
110	...	Laverton, Lockup and Quarters ...	725	0	0			
111	...	Mount Morgan, Lockup and Quarters ...	60	0	0			
112	...	Nullagine, Lockup, Quarters, and Stabling ...	700	0	0			
113	...	Perth, Central Station Lockup ...	1400	0	0			
114	...	Perth, Central Station Stables ...	400	0	0			
115	...	Weeloona (Lake Way), Lockup and Quarters ...	760	0	0			
		<i>Royal Mint, £200.</i>						
116	...	Perth Branch of Royal Mint, Maintenance (Capital cost, £28,000) ...	100	0	0			
117	...	Perth Branch of Royal Mint, Acid Store ...	100	0	0			
		<b>BUILDINGS AND OTHER SERVICES FOR THE ATTORNEY GENERAL'S DEPARTMENT.</b>						
		<i>Court Houses, £27,175.</i>						
118	...	Additions and Repairs to Existing Buildings (Capital cost, £40,000) ...	850	0	0			
119	...	Collie Court House, Quarters ...	300	0	0			
120	...	Mt. Morgans Court House ...	275	0	0			
121	...	Onslow, Court House, Additions ...	150	0	0			
122	...	Perth Supreme Court ...	25000	0	0			
123	...	Perth Temporary Supreme Court ...	600	0	0			
		Carried forward ...	71956	0	0	197178	0	0



*Appropriation.***MINISTER FOR WORKS—(continued).**

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
		Brought forward ...	...			197178	0	0
		<b>Public Buildings—continued.</b>						
		<b>Architectural Division—continued.</b>						
		Brought forward ...	71956	0	0			
		<b>BUILDINGS AND OTHER SERVICES FOR THE MINES DEPARTMENT—£7,600.</b>						
124	...	Additions and Repairs to Existing Buildings (capital cost, £89,000) ...	2000	0	0			
125	...	Cue, Warden's Quarters, Additions ...	650	0	0			
126	...	Mining School, Kalgoorlie ...	1000	0	0			
127	...	Mining School, Kalgoorlie, Laboratory, etc. ...	1500	0	0			
128	...	Nullagine, Mining Registrar's Office and Warden's Court ...	650	0	0			
129	...	Phillips River, Warden's Court and Offices ...	300	0	0			
130	...	Mt. Morgan, Office Accommodation ...	1500	0	0			
		<b>BUILDINGS FOR THE LANDS AND SURVEYS DEPARTMENT—£1,500.</b>						
131	...	Lands Department, Strong Room Fittings ...	500	0	0			
132	...	Perth Head Office, Additional Storey ...	1000	0	0			
		<b>BUILDINGS AND OTHER SERVICES FOR THE EDUCATION DEPARTMENT—£41,525.</b>						
133	...	Additions and Repairs to Existing Buildings (capital cost, £240,000) ...	4500	0	0			
134	...	Albany School, Additions ...	800	0	0			
135	...	Beverley School, Additions and Alterations ...	120	0	0			
136	...	Bindoon North, School ...	25	0	0			
137	...	Bindoon, South, Quarters ...	300	0	0			
138	...	Boulder Infants' School, Additions ...	500	0	0			
139	...	Boulder School, Additions ...	30	0	0			
140	...	Boulder, School Latrines ...	220	0	0			
141	...	Brown Hill Residence Area, School ...	550	0	0			
142	...	Broome School ...	270	0	0			
143	...	Bunbury, School Alterations ...	100	0	0			
144	...	Bull's Brook (Chittering), School and Quarters ...	20	0	0			
145	...	Camballie (near Boulder), School ...	1350	0	0			
146	...	Claremont School, Additions and Alterations ...	500	0	0			
147	...	Claremont Training College ...	9000	0	0			
148	...	Coolgardie School, Additions ...	100	0	0			
149	...	Cottesloe School Quarters ...	650	0	0			
150	...	Cottesloe Infants' School, Hall and Room ...	1150	0	0			
151	...	Cue, School Quarters' Additions ...	100	0	0			
152	...	Day Dawn School, Additions ...	160	0	0			
		Carried forward ...	101501	0	0	197178	0	0

*Appropriation.***MINISTER FOR WORKS—(continued).**

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
		Brought forward ...	...			197178	0	0
		<b>Public Buildings—continued.</b>						
		<b>Architectural Division—continued.</b>						
		Brought forward ...	101501	0	0			
		<b>BUILDINGS AND OTHER SERVICES FOR THE EDUCATION DEPARTMENT—continued.</b>						
153	...	Denningup, School ...	250	0	0			
154	...	Denningup, School Quarters ...	150	0	0			
155	...	Dongara School, new Building ...	100	0	0			
156	...	Donnybrook School, Additions and Alterations ...	420	0	0			
157	...	Fremantle, Central Technical School ...	400	0	0			
158	...	Fremantle Girls' and Infants' School ...	1800	0	0			
159	...	Geraldton, School Additions ...	100	0	0			
160	...	Geraldton, School Quarters ...	700	0	0			
161	...	Guildford School and Quarters, Additions ...	50	0	0			
162	...	Gwalia, School ...	680	0	0			
163	...	Harvey, School and Quarters ...	500	0	0			
164	...	Highgate, Infants' School Additions ...	400	0	0			
165	...	Jarrahdene, School ...	120	0	0			
166	...	Kalgoorlie, North, School ...	400	0	0			
167	...	Kanowna, School Quarters, Additions ...	150	0	0			
168	...	Kanowna School, Additions ...	200	0	0			
169	...	Katanning School, Additions ...	360	0	0			
170	...	Kunanalling, Quarters, Additions, Grant ...	50	0	0			
171	...	Lake View School, Removal of School from Boulder ...	230	0	0			
172	...	Lake View School, Quarters ...	50	0	0			
173	...	Lake View School ...	330	0	0			
174	...	Lake Way, School and Quarters ...	250	0	0			
175	...	Lawlers, School and Quarters ...	650	0	0			
176	...	Leederville Infants' School ...	600	0	0			
177	...	Leederville (West), School, Additions ...	450	0	0			
178	...	Midland Junction, removing Old Quarters and converting into Workshop ...	150	0	0			
179	...	Midland Junction School, Additions ...	150	0	0			
180	...	Miscellaneous Schools and Quarters ...	1000	0	0			
181	...	Moonyoonooka, School Quarters, Additions ...	100	0	0			
182	...	Mourambine School ...	70	0	0			
183	...	Mt. Morgans, School ...	450	0	0			
184	...	Norseman, School Quarters ...	220	0	0			
185	...	Perth Central School, Drainage ...	500	0	0			
186	...	Perth (Central) Infants' School, Additions ...	40	0	0			
187	...	Perth (East) Infants' School, Hall and Class Room ...	250	0	0			
188	...	Perth Boys' and Girls' Schools, Additions and Improvements ...	300	0	0			
189	...	Perth Technical School ...	1200	0	0			
190	...	Phillips River School ...	200	0	0			
191	...	Plympton Infants' School, Additions ...	140	0	0			
		Carried forward ...	115661	0	0	197178	0	0

*Appropriation.***MINISTER FOR WORKS—(continued).**

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
		Brought forward ...	...			197178	0	0
		<b>Public Buildings—continued.</b>						
		<b>Architectural Division—continued.</b>						
		Brought forward ...	115661	0	0			
		<b>BUILDINGS AND OTHER SERVICES FOR THE EDUCATION DEPARTMENT—continued.</b>						
192	...	Princess Royal Mine (Norseman), School ...	450	0	0			
193	...	Quindanning, School and Quarters ...	160	0	0			
194	...	Subiaco Infants' School, Hall and Class Room ...	50	0	0			
195	...	Tammin, Teacher's Quarters, Additions ...	100	0	0			
196	...	Wagerup School, Additions ...	20	0	0			
197	...	Westbrook, School (near Beverley) ...	200	0	0			
198	...	Brown Hill School Quarters, Additions ...	250	0	0			
199	...	Bunbury School, Additions ...	430	0	0			
200	...	Cunderdin School ...	400	0	0			
201	...	Drakesbrook School Quarters, Additions ...	150	0	0			
202	...	Kalgoorlie, North, School Quarters ...	400	0	0			
203	...	Lake View School Quarters, Additions ...	250	0	0			
204	...	Leederville School Quarters ...	500	0	0			
205	...	Leederville, West, School Quarters ...	450	0	0			
206	...	Mogumber School Quarters ...	250	0	0			
207	...	Mount Morgans School Quarters ...	350	0	0			
208	...	Plympton School Quarters ...	500	0	0			
209	...	Subiaco School Quarters ...	650	0	0			
210	...	White Gum Valley School Quarters ...	400	0	0			
211	...	Williams School ...	300	0	0			
212	...	Williams School Quarters ...	160	0	0			
213	...	Woodville School Quarters ...	500	0	0			
		<b>BUILDINGS AND SERVICES NOT CLASSIFIED UNDER ANY SPECIFIED DEPARTMENT—£11,740.</b>						
214	...	Additions and Repairs to Public Buildings not otherwise provided for ...	2000	0	0			
215	...	Central Government Offices, including Additions and Improvements ...	750	0	0			
216	...	Fremantle Immigration Depot Barracks, Alterations ...	200	0	0			
217	...	Fremantle, Additional Oil Store ...	150	0	0			
218	...	Government Printing Office, Lift and Electric Light, etc. ...	1000	0	0			
219	...	Kalgoorlie Public Buildings, Re-lining Underground Tank ...	240	0	0			
220	...	Land Titles Office, Extra Strong Room and Fittings ...	1100	0	0			
221	...	Perth Photo-Lithographic Buildings, Additions ...	200	0	0			
222	...	Perth, New Parliament Houses ...	5000	0	0			
223	...	Yalingup Cave, Accommodation House ...	500	0	0			
224	...	North Perth Municipal Building, Grant ...	600	0	0			
		Carried forward ...	184321	0	0	197178	0	0

*Appropriation.***MINISTER FOR WORKS—(continued).**

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
		Brought forward ...	...			197178	0	0
		<b>Public Buildings—continued.</b>						
		<b>Architectural Division—continued.</b>						
		Brought forward ...	194321	0	0			
		<b>GRANTS-IN-AID FOR MECHANICS' INSTITUTES AND KINDRED BUILDINGS—£1,500.</b>						
225	...	Grants-in-Aid (in accordance with regulations) for Construction of and Additions to Mechanics' Institutes, Miners' Institutes, and Agricultural Halls ...	1500	0	0			
		<b>FURNITURE FOR PUBLIC BUILDINGS—£7,100.</b>						
226	...	Furniture for Claremont Training College ...	2150	0	0			
227	...	Do. Government House ...	300	0	0			
228	...	Do. and Renovations to existing Furniture at Rottneft Cottage ...	250	0	0			
229	...	Do. New Buildings and Public Offices ...	3000	0	0			
230	...	Do. Hospitals and Asylums ...	600	0	0			
231	...	Do. and Fittings Temporary Supreme Courts ...	350	0	0			
232	...	Furniture for Legislative Council and Legislative Assembly ...	450	0	0			
		<b>FUEL, SANITARY CONTRACTS, ETC.—£6,550.</b>						
233	...	Disinfectors, Erection ...	300	0	0			
234	...	Fencing Reserves occupied by Government Buildings ...	500	0	0			
235	...	Firewood and Collie Coal for Government Offices, Water Service, Gas, etc. ...	2750	0	0			
236	...	Fire Prevention Appliances for Public Buildings generally ...	250	0	0			
237	...	Incinerators and Destructors ...	200	0	0			
238	...	Sanitary Contracts, etc. ...	2250	0	0			
239	...	Sanitary Improvements to Public Buildings ...	300	0	0			
		<b>Total Public Buildings</b> ...				149471	0	0
		<b>Total Minister for Works</b> ...				346649	0	0
		<b>Amount brought forward from Total to COLONIAL SECRETARY</b> ...				748953	3	7
		<b>Amount carried forward to Total MINISTER FOR MINES</b> ...				1095602	3	7

*Appropriation.***MINISTER OF LANDS.**

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
<b>LANDS AND SURVEYS.</b>								
SALARIES, FIXED—£21,604 13s. 7d.								
		Commissioner of Crown Lands (Civil List).						
1	1	Under Secretary for Lands ... ..	600	0	0			
2	1	Chief Clerk ... ..	425	0	0			
3	1	Clerk ... ..	300	0	0			
4	1	Clerk, 20th December, 1899, to 31st January, 1900 ...	34	13	7			
5	1	Clerk to Minister ... ..	225	0	0			
DIVISION I.—CORRESPONDENCE.								
6	1	Correspondence Clerk ... ..	290	0	0			
7	1	Registrar ... ..	260	0	0			
8	1	Clerk ... ..	200	0	0			
9	1	*Shorthand Clerk ... ..	190	0	0			
10	1	Do. ... ..	180	0	0			
11	1	Clerk ... ..	140	0	0			
12	1	Do. ... ..	130	0	0			
13	1	Do. ... ..	100	0	0			
DIVISION II.—REVENUE AND STATISTICS.								
14	1	Collector of Land Revenue... ..	350	0	0			
15	1	Accountant ... ..	285	0	0			
16	1	Bookkeeper ... ..	200	0	0			
*17	1	Statistical Clerk ... ..	210	0	0			
18	1	Assistant Accountant ... ..	170	0	0			
DIVISION III.—LAND SALES AND REGISTRY.								
19	1	Head of Division ... ..	325	0	0			
20	1	Clerk ... ..	200	0	0			
21	1	Do. ... ..	180	0	0			
22	1	Do. ... ..	150	0	0			
23	1	Do. ... ..	150	0	0			
DIVISION IV.—LAND SELECTION AND INQUIRY.								
24	1	Head of Division ... ..	325	0	0			
25	1	Draftsman and Clerk ... ..	260	0	0			
26	1	Do. do. ... ..	260	0	0			
27	1	Do. do. ... ..	240	0	0			
28	1	Do. do. ... ..	230	0	0			
29	1	Clerk ... ..	190	0	0			
30	1	Do. ... ..	140	0	0			
DIVISION V.—ROADS AND RESERVES.								
31	1	Head of Division ... ..	325	0	0			
32	1	Clerk ... ..	210	0	0			
33	1	Draftsman and Clerk ... ..	200	0	0			
34	1	Do. do. ... ..	180	0	0			
35	1	Do. do. ... ..	130	0	0			
Carried forward ...			7984	13	7			

\* Previously under Salaries, Provisional and Temporary.

*Appropriation.*

## MINISTER FOR LANDS—(continued).

Item No.	No. of Person.		£	s.	d.	£	s.	d.
<b>Lands and Surveys—continued.</b>								
		Brought forward ...	7984	13	7			
<b>SALARIES, FIXED—continued.</b>								
<b>DIVISION VI.—STORES AND MESSENGERS.</b>								
36	1	Storekeeper ...	170	0	0			
37	1	Caretaker ...	130	0	0			
38	1	Messenger ...	60	0	0			
<b>DIVISION VII.—LAND AGENCIES.</b>								
39	1	Land Agent, Katanning ...	470	0	0			
40	1	Do. Albany ...	200	0	0			
41	1	Do. Northam ...	75	0	0			
<b>DIVISION VIII.—INSPECTION OF LANDS AND IMPROVEMENTS.</b>								
42	1	Chief Inspector ...	*350	0	0			
43	1	Inspector ...	300	0	0			
44	1	Draftsman and Clerk ...	170	0	0			
<b>DIVISION IX.—SURVEYOR GENERAL.</b>								
45	1	Surveyor General ...	600	0	0			
46	1	Chief Inspecting Surveyor ...	435	0	0			
47	1	Chief Draftsman ...	390	0	0			
48	1	Inspecting Surveyor ...	385	0	0			
49	1	Do. ...	370	0	0			
50	1	Do. ...	370	0	0			
51	1	Do. ...	350	0	0			
52	1	Inspecting Draftsman ...	350	0	0			
53	1	Inspector of Plans ...	360	0	0			
54	1	Road Surveyor ...	370	0	0			
55	1	Do. ...	370	0	0			
56	1	Surveyor ...	350	0	0			
57	1	Do. ...	†300	0	0			
58	1	Compiling Draftsman ...	275	0	0			
59	1	Draftsman ...	270	0	0			
60	1	Compiling Draftsman ...	260	0	0			
61	1	Deed Clerk ...	260	0	0			
62	1	Compiling Draftsman ...	260	0	0			
63	1	Assistant Inspector of Plans ...	240	0	0			
64	1	Draftsman ...	240	0	0			
65	1	Computer ...	225	0	0			
66	1	Draftsman ...	225	0	0			
67	1	Custodian of Plans ...	220	0	0			
68	1	Surveys Clerk ...	220	0	0			
69	1	Deed Clerk ...	200	0	0			
		Carried forward ...	17804	13	7			

\* Allowance of £150 is being struck off.

† This is not an increase; the £250 last year was for 10 months only.

*Appropriation.*

## MINISTER FOR LANDS—(continued).

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
<b>Lands and Surveys—continued.</b>								
		Brought forward	...	17804	13	7		
<b>SALARIES, FIXED—continued.</b>								
70	1	Compiling Draftsman	...	200	0	0		
71	1	Do.	...	200	0	0		
72	1	Computer	...	200	0	0		
73	1	Do.	...	200	0	0		
74	1	Do.	...	190	0	0		
75	1	Draftsman	...	200	0	0		
76	1	Computer	...	200	0	0		
77	1	Compiling Draftsman	...	200	0	0		
78	1	Deeds Draftsman	...	180	0	0		
79	1	Do.	...	180	0	0		
80	1	Computer	...	190	0	0		
81	1	Draftsman	...	180	0	0		
82	1	Deeds Draftsman	...	180	0	0		
83	1	Draftsman	...	180	0	0		
84	1	Do.	...	170	0	0		
85	1	Plan Mounter	...	170	0	0		
86	1	Draftsman	...	160	0	0		
87	1	Do.	...	160	0	0		
88	1	Clerk	...	140	0	0		
89	1	Shorthand Clerk	...	140	0	0		
90	1	Junior Draftsman	...	100	0	0		
91	1	Do.	...	80	0	0		
<b>SALARIES, PROVISIONAL AND TEMPORARY— £14,084 8s. 4d.</b>								
<b>DIVISION I.—CORRESPONDENCE.</b>								
92	1	Shorthand Clerk	...	160	0	0		
93	1	Clerk	...	120	0	0		
94	1	Do.	...	110	0	0		
95	1	Do.	...	100	0	0		
96	1	Do.	...	100	0	0		
97	1	Do.	...	80	0	0		
<b>DIVISION II.—REVENUE AND STATISTICS.</b>								
98	1	Clerk	...	130	0	0		
99	1	Do.	...	100	0	0		
100	1	Do.	...	90	0	0		
<b>DIVISION III.—LAND SALES AND REGISTRY.</b>								
101	1	Clerk	...	110	0	0		
102	1	Do.	...	90	0	0		
103	1	Do.	...	90	0	0		
		Carried forward	...	22884	13	7		

*Appropriation.*

## MINISTER FOR LANDS—(continued).

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
<b>Lands and Surveys—continued.</b>								
		Brought forward ...	22884	13	7			
<b>SALARIES, PROVISIONAL AND TEMPORARY—continued.</b>								
<b>DIVISION IV.—LAND SELECTION AND INQUIRY.</b>								
104	1	Draftsman and Clerk ...	200	0	0			
105	1	Do. do. ...	180	0	0			
106	1	Do. do. ...	140	0	0			
107	1	Do. do. ...	130	0	0			
108	1	Clerk ...	100	0	0			
109	1	Do. ...	100	0	0			
110	1	Do. ...	90	0	0			
<b>DIVISION V.—ROADS AND RESERVES.</b>								
111	1	Draftsman and Clerk ...	120	0	0			
112	1	Do. do. ...	80	0	0			
<b>DIVISION VI.—STORES AND MESSENGERS.</b>								
113	1	Store Assistant ...	80	0	0			
114	1	Messenger ...	60	0	0			
115	1	Do. ...	60	0	0			
<b>DIVISION VII.—LAND AGENCIES.</b>								
116	1	Land Agent, Beverley ...	50	0	0			
117	1	Do. Bridgetown ...	80	0	0			
118	1	Do. Bunbury ...	50	0	0			
119	1	Do. Coolgardie ...	25	0	0			
120	1	Do. Esperance ...	25	0	0			
121	1	Do. Fremantle ...	25	0	0			
122	1	Do. Geraldton ...	40	0	0			
123	1	Do. Northampton ...	80	0	0			
124	1	Do. York ...	50	0	0			
125	1	Draftsman, Katanning ...	195	0	0			
126	1	Clerk do. ...	195	0	0			
127	1	Do. do. ...	130	0	0			
128	1	Do. do. ...	70	0	0			
129	1	Land Agent, Kalgoorlie ...	60	0	0			
130	1	Clerk do. ...	130	0	0			
<b>DIVISION VIII.—INSPECTION OF LANDS AND IMPROVEMENTS.</b>								
131	1	Inspector ...	225	0	0			
132	1	Do. ...	200	0	0			
133	1	Do. ...	200	0	0			
134	1	Inspector (Surveyor) ...	225	0	0			
135	1	Clerk ...	70	0	0			
136	1	Caretaker, Margaret Caves ...	60	0	0			
137	1	Do. Yallingup Cave ...	60	0	0			
138	1	Do. do. 1st December, 1900, to 30th June, 1901, at £50 per annum ...	29	3	4			
		Carried forward ...	26498	16	11			



*Appropriation.*

## MINISTER FOR LANDS—(continued).

Item No.	No. of Persons		£	s.	d.	£	s.	d.
<b>Lands and Surveys—continued.</b>								
		Brought forward ...	26498	16	11			
<b>SALARIES, PROVISIONAL AND TEMPORARY—continued.</b>								
<b>DIVISION IX.—SURVEYOR GENERAL.</b>								
139	1	Surveyor ...	300	0	0			
140	1	Do. ...	280	0	0			
141	1	Draftsman ...	190	0	0			
142	1	Computer ...	180	0	0			
143	1	Do. ...	200	0	0			
144	1	Draftsman ...	190	0	0			
145	1	Computer ...	180	0	0			
146	1	Draftsman ...	190	0	0			
147	1	Computer ...	180	0	0			
148	1	Do. ...	170	0	0			
149	1	Draftsman ...	170	0	0			
150	1	Do. ...	170	0	0			
151	1	Computer ...	160	0	0			
152	1	Deeds Draftsman ...	140	0	0			
153	1	Shorthand Clerk ...	140	0	0			
154	1	Junior Clerk ...	120	0	0			
155	1	Do. ...	100	0	0			
156	1	Junior Draftsman ...	95	0	0			
157	1	Junior Clerk ...	85	0	0			
158	1	Do. Draftsman ...	75	0	0			
159	1	Do. do. ...	75	0	0			
160	1	Do. do. ...	70	0	0			
161	1	Do. do. ...	70	0	0			
162	1	Do. do. ...	60	0	0			
163	1	Messenger ...	50	0	0			
164	1	Do. ...	50	0	0			
165	1	Do. ...	50	0	0			
166	1	Do. ...	50	0	0			
167	...	Survey Assistants, Chainmen, and Labourers occasionally employed...	3500	0	0			
<b>KIMBERLEY EXPEDITION.</b>								
168	1	Second in Command, at 30s. per day for 9 months ...	410	0	0			
169	1	Medical Officer and Naturalist, at 20s. per day for 9 months ...	290	0	0			
170	1	Acting Government Geologist at £33 6s. 8d. for 14 days in each month and £2 2s. per day for each extra day employed ...	300	0	0			
171	1	Wages of Assistants, Labourers, etc. ...	900	0	0			
<b>ALLOWANCES—£1,308 10s.</b>								
172-177	6	Forage and Travelling for Inspectors of Lands, at £150 per annum each (1 for 3 months only) ...	787	10	0			
178	...	Allowances for Surveyors while in the field ...	500	0	0			
179	1	Lodging Allowance for Clerk, Kalgoorlie ...	21	0	0			
		Carried forward ...	36997	6	11			

*Appropriation.*

## MINISTER FOR LANDS—(continued).

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
<b>Lands and Surveys—continued.</b>								
		Brought forward ...	36997	6	11			
		CONTINGENCIES—£25,000.						
180		Incidental Expenses ...	1000	0	0			
181	...	Advertising ...	1500	0	0			
182	...	Travelling and Transport ...	1100	0	0			
188	...	*Margaret and Yallingup Caves Improvements ...	1000	0	0			
185	...	Surveys ...	13000	0	0			
186	...	Expenses in connection with Surveys, including purchase of Horses and Equipment for Surveyors, Forage for Horses, Repairs to Equipment, Freight and Carriage, Travelling ...	2000	0	0			
187	...	Grant to Land Surveyors' Licensing Board ...	50	0	0			
188	...	Rent of Offices ...	250	0	0			
189	...	Postage, Telephone Rent, and Telegrams ...	1200	0	0			
190	...	Stationery, Typewriters, etc. ...	800	0	0			
191	...	Survey Kimberley District, including Transport, Travelling, Tropical Allowances, Freight, Rations, Equipment, etc. ...	1100	0	0			
192	...	Examination and Survey of Route for Rabbit-Proof Fence ...	2000	0	0			
		Total Lands and Surveys ...	...			61997	6	11
<b>FISHERIES.</b>								
		SALARIES, PROVISIONAL AND TEMPORARY—£1,762 10s.						
1	1	Chief Inspector ...	300	0	0			
2	1	Clerk ...	160	0	0			
3	1	Inspector, Mandurah ...	160	0	0			
4	1	Do. Sharks Bay ...	160	0	0			
5	1	Seaman do. ...	130	0	0			
6	1	Inspector, Swan ...	160	0	0			
7	1	Seaman do. ...	150	0	0			
8	1	Inspector, Vasse ...	150	0	0			
9	...	Inspectors and Labourers occasionally employed ...	150	0	0			
10	1	Inspector, Albany ...	150	0	0			
11	1	Do. Bunbury, 1/7/01 to 31/12/01, at £50 p.a.; 1/1/02 to 30/6/02, at £160 p.a. ...	92	10	0			
		CONTINGENCIES—£1,105.						
12	...	†Incidental Expenses ...	200	0	0			
13	...	Postage and Telegrams ...	15	0	0			
14	...	Stationery, Typewriters, etc. ...	40	0	0			
15	...	†Travelling Expenses ...	150	0	0			
16	...	Steam Launch, Purchase of ...	700	0	0			
		Total Fisheries ...	...			2867	10	0
		Carried forward ...	...			64864	16	11

\* Including improving, protecting, and rendering more accessible the Mammoth, Calgardup, Blackboy Hollow, Lake, and other Caves; providing plant and installing electric light in Yallingup Cave; maintenance, wages, fuel, etc.; preparing and printed illustrated handbook of caves.  
† Including upkeep of boats and rewards for destruction of cormorants. ‡ Previously classified under Incidental.

*Appropriation.*

## MINISTER FOR LANDS—(continued).

Item No.	No. of Persons		£	s.	d.	£	s.	d.
		Brought forward ...	...			64864	16	11
		<b>WOODS AND FORESTS.</b>						
		<b>SALARIES, PROVISIONAL AND TEMPORARY—£2,797.</b>						
1	1	Conservator of Forests (six months at £500) ...	250	0	0			
2	1	Clerk ... ..	275	0	0			
3	1	Do. ... ..	180	0	0			
4	1	Do. and Messenger ... ..	110	0	0			
5	1	Forest Ranger, Chidlow's Well ... ..	170	0	0			
6	1	Do. Coolgardie ... ..	180	0	0			
7	1	Do. Donnybrook ... ..	170	0	0			
8	1	Do. Sandalwood Area ... ..	170	0	0			
9	1	Do. Waroona ... ..	170	0	0			
10	1	Do. ... ..	170	0	0			
11	1	Nurseryman ... ..	190	0	0			
12	1	Caretaker, Point Walter Reserve ... ..	100	0	0			
13	...	Labourers occasionally employed ... ..	150	0	0			
14	...	Caretaker, Pine Plantation, Bunbury ... ..	12	0	0			
15	...	Additional Forest Rangers ... ..	500	0	0			
		<b>ALLOWANCES—£600.</b>						
16-21	6	Travelling for 6 Forest Rangers, at £75 per annum each ... ..	450	0	0			
22	...	Travelling for Additional Forest Rangers, at £75 per annum, for 6 months ... ..	150	0	0			
		<b>CONTINGENCIES—£605.</b>						
23	...	Incidental Expenses ... ..	125	0	0			
24	...	Maintaining Nursery, Drakesbrook ... ..	50	0	0			
25	...	Postage, Telephone Rent, and Telegrams ... ..	15	0	0			
26	...	Stationery, Typewriters, etc. ... ..	40	0	0			
27	...	Advertising W.A. timbers ... ..	75	0	0			
28	...	Pine, Wattle, and Sandalwood Plantations ... ..	150	0	0			
29	...	Travelling Expenses* ... ..	150	0	0			
		<b>Total Woods and Forests ... ..</b>				4002	0	0
		<b>STOCK.</b>						
		<b>SALARIES, FIXED—£675.</b>						
1	1	Chief Inspector of Stock ... ..	450	0	0			
2	1	Clerk ... ..	225	0	0			
		<b>SALARIES, PROVISIONAL AND TEMPORARY—£1,692.</b>						
3	1	Inspector, Albany ... ..	50	0	0			
4	1	Do. Broome ... ..	12	0	0			
5	1	Do. Carnarvon ... ..	12	0	0			
6	1	Do. Coolgardie ... ..	50	0	0			
		<b>Carried forward ... ..</b>	799	0	0	68866	16	11

\* Previously classified under Incidental.

*Appropriation.*

## MINISTER FOR LANDS—(continued).

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
		Brought forward ...	...			68866	16	11
		<b>Stock—continued.</b>						
		Brought forward ...	799	0	0			
		<b>SALARIES PROVISIONAL AND TEMPORARY—continued.</b>						
7	1	Inspector, Derby ...	12	0	0			
8	1	Do. Esperance ...	12	0	0			
9	1	Do. Eucla ...	12	0	0			
10	1	Do. Fremantle ...	310	0	0			
11	1	Do. Geraldton ...	25	0	0			
12	1	Do. Perth ...	50	0	0			
13	1	Do. Roebourne ...	12	0	0			
14	1	Do. Wyndham ...	260	0	0			
15	1	Veterinary Surgeon, Fremantle ...	500	0	0			
16	1	Consulting Veterinary Surgeon (3 months) ...	50	0	0			
17	...	Labourers occasionally employed ...	75	0	0			
18	1	Inspector, at £250 per annum (6 months) ...	12	0	0			
19	1	Do. do. do. ...	125	0	0			
		<b>ALLOWANCES—£425.</b>						
20	...	Travelling Allowance, Chief Inspector of Stock ...	100	0	0			
21	...	Do. Inspector of Stock, Wyndham ...	150	0	0			
22	...	Allowance for Native Boy for Inspector of Stock, Wyndham ...	25	0	0			
23	...	Travelling Allowance, Inspector (6 months) ...	75	0	0			
24	...	Do. do. do. ...	75	0	0			
		<b>CONTINGENCIES—£575.</b>						
25	...	Incidental Expenses ...	125	0	0			
26	...	Postage, Telephone Rent, and Telegrams ...	50	0	0			
27	...	Stationery, Typewriters, etc. ...	25	0	0			
28	...	*Travelling Expenses ...	125	0	0			
29	...	Experiments to test the value of vaccine for treating Texas Fever ...	250	0	0			
		<b>Total Stock ...</b>	...			3367	0	0
		<b>AGRICULTURAL BANK.</b>						
		<b>SALARIES, PROVISIONAL AND TEMPORARY—</b>						
		<b>£1,241 13s. 4d.</b>						
1	1	Manager ...	700	0	0			
2	1	Accountant ...	275	0	0			
3	1	Clerk ...	160	0	0			
4	1	Junior Clerk and Messenger ...	60	0	0			
5	1	Clerk, four months at £140 per annum ...	46	13	4			
		<b>Carried forward ...</b>	1241	13	4	72233	16	11

\* Previously classified under Incidental.

*Appropriation.*

## MINISTER FOR LANDS—(continued).

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
		Brought forward ...	...			72233	16	11
		<b>Agricultural Bank—continued.</b>						
		Brought forward ...	1241	13	4			
		ALLOWANCES—£200.						
6	1	Allowance to Manager for two Horses and Man, and Personal Expenses when travelling ...	200	0	0			
		CONTINGENCIES—£315.						
7	...	Incidental Expenses ...	150	0	0			
8	...	Postage, Telephone Rent, and Telegrams ...	75	0	0			
9	...	Stationery, Typewriters, etc. ...	40	0	0			
10	...	*Travelling Expenses ...	50	0	0			
		Total Agricultural Bank ...				1756	13	4
		<b>AGRICULTURE.</b>						
		SALARIES, PROVISIONAL AND TEMPORARY—£5,187.						
1	1	Secretary ...	425	0	0			
2	1	Clerk ...	190	0	0			
3	1	Accountant ...	190	0	0			
4	1	Librarian and Sub-Editor of Journal ...	100	0	0			
5	1	Clerk ...	70	0	0			
6	1	Caretaker ...	95	0	0			
7	1	Messenger ...	30	0	0			
8	1	Caretaker, Quarantine Ground ...	110	0	0			
9	1	Viticultural and Horticultural Expert ...	450	0	0			
10	1	Dairy Expert ...	300	0	0			
11	1	Field Officer ...	250	0	0			
12	1	Government Botanist ...	200	0	0			
13	1	Inspector under Insect Pests Act, Albany ...	160	0	0			
14	1	Do. do. do. Bunbury ...	25	0	0			
15	1	Do. do. do. Busselton ...	25	0	0			
16	1	Do. do. do. Esperance ...	25	0	0			
17	1	Do. do. do. Fremantle ...	225	0	0			
18	1	Do. do. do. Geraldton ...	25	0	0			
19	1	Do. do. do. Hamelin ...	25	0	0			
		Carried forward ...	2920	0	0	73990	10	3

\* Previously classified under Incidental.

*Appropriation.*

## MINISTER FOR LANDS—(continued).

Item No.	No. of Persons		£	s.	d.	£	s.	d.
		Brought forward ...	...			73990	10	3
		<b>Agriculture—continued.</b>						
		Brought forward ...	2920	0	0			
		<b>SALARIES—PROVISIONAL AND TEMPORARY—continued.</b>						
20	1	Inspector under Insect Pests Act, Travelling...	180	0	0			
21	1	Do. do. do. do. ...	180	0	0			
22	1	Do. do. do. do. ...	160	0	0			
23	1	Inspector, Travelling ...	160	0	0			
24-27	4	Inspectors of Fruit, at £150 each ...	600	0	0			
28	1	Caretaker, Drakesbrook Experimental Plot ...	115	0	0			
29	1	Inspector ...	200	0	0			
30	1	Inspector, Travelling ...	160	0	0			
31	1	Do. do. ...	156	0	0			
32	1	Do. do. ...	156	0	0			
33	...	Wages of labourers occasionally employed ...	200	0	0			
		<b>CONTINGENCIES—£3,425.</b>						
34	...	Incidental Expenses (including advertising, freight, carriage, etc.) ...	500	0	0			
35	...	Experimental Plots and Quarantine Ground ...	200	0	0			
36	...	Library and Museum—purchase of books, periodicals, fruit models, botanical and other specimens ...	100	0	0			
37	...	Office Rent, Rates and Taxes ...	250	0	0			
38	...	Postage, Telephone Rent, and Telegrams ...	250	0	0			
39	...	Publications ...	250	0	0			
40	...	Stationery, Typewriters, etc. ...	50	0	0			
41	...	Travelling Dairy ...	150	0	0			
42	...	Analysis and Chemical Investigations ...	50	0	0			
43	...	Insect Pests Act ...	500	0	0			
44	...	Contagious Diseases (Bees) Act ...	25	0	0			
45	...	Noxious Weeds, eradication of ...	500	0	0			
46	...	National Show ...	300	0	0			
47	...	*Travelling Expenses ...	50	0	0			
48	...	Destruction of Insect Parasites ...	250	0	0			
		<b>Government Refrigerating Works—£2,208.</b>						
		<b>SALARIES, PROVISIONAL AND TEMPORARY—£1,258.</b>						
49	1	Manager ...	250	0	0			
50	1	Engineer ...	218	0	0			
51	1	Clerk ...	140	0	0			
52	...	Wages of Engineers, Firemen, Storemen, Labourers, etc.	650	0	0			
		<b>CONTINGENCIES—£950.</b>						
53	...	Fuel, etc. ...	500	0	0			
54	...	Materials for Upkeep ...	250	0	0			
55	...	†Annual Overhaul ...	200	0	0			
		Total Agriculture ...	...			10820	0	0
		Carried forward ...	...			84810	10	3

\* Previously classified under Incidental.

† Previously provided for under Public Buildings.

*Appropriation.*

## MINISTER FOR LANDS—(continued).

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
		Brought forward ...	...			84810	10	3
		<b>*RABBITS.</b>						
		SALARIES, PROVISIONAL AND TEMPORARY—£2,050.						
1	1	Secretary ...	300	0	0			
2	1	Clerk ...	150	0	0			
3	1	Inspector ...	350	0	0			
4-8	5	Inspectors at £250 per annum each...	1250	0	0			
		CONTINGENCIES—£10,350.						
9	...	Fencing ...	10000	0	0			
10	...	Incidental ...	150	0	0			
11	...	Travelling Expenses ...	150	0	0			
12	...	Postage, Telephone Rent, and Telegrams ...	10	0	0			
13	...	Stationery, Typewriters, etc. ...	40	0	0			
		Total Rabbits ...				12400	0	0
		Total Minister for Lands ...				97210	10	3
		Amount brought forward from Total to MINISTER FOR WORKS ...				1095602	3	7
		Amount carried forward from Total to COMMISSIONER OF RAILWAYS ...				1192812	13	10

\* Previously under Stock.

## Appropriation.

## X.—COMMISSIONER OF RAILWAYS.

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
<b>RAILWAYS AND TRAMWAYS.</b>								
SALARIES, FIXED—£147,386 13s. 4d.								
<i>Commissioner's Office.</i>								
1	1	*Under Secretary ...	600	0	0			
2	1	Secretary to the Commissioner of Railways ...	350	0	0			
3	1	Chief Clerk ...	300	0	0			
4	1	Clerk ...	210	0	0			
5	1	Do. ...	180	0	0			
6	1	Do. ...	130	0	0			
7	1	Do. ...	110	0	0			
8	1	Do., Junior ...	60	0	0			
<i>General Manager's Branch.</i>								
9	1	General Manager ...	1500	0	0			
10	1	Chief Clerk ...	400	0	0			
11	1	Clerk ...	300	0	0			
12	1	Do. ...	210	0	0			
13	1	Do. ...	200	0	0			
14	1	Do. ...	200	0	0			
15	1	Do. ...	180	0	0			
16	1	Do. ...	170	0	0			
17	1	Do., Junior ...	110	0	0			
18	1	Do. do. ...	90	0	0			
19	1	Do. do. ...	90	0	0			
20	1	Do. ...	50	0	0			
21	1	Inspector of Bush Fires (4 months at £200 per annum)	66	13	4			
<i>Chief Accountant's Branch.</i>								
22	1	Chief Accountant ...	600	0	0			
23	1	Traffic Auditor ...	400	0	0			
24	1	Assistant Accountant ...	400	0	0			
25	1	Paymaster ...	325	0	0			
26	1	Chief Clerk ...	325	0	0			
27	1	Travelling Inspector ...	300	0	0			
28	1	Chief Clerk, Expenditure Branch ...	275	0	0			
29	1	Assistant Paymaster ...	275	0	0			
30	1	Statistical Clerk ...	250	0	0			
31	1	Cashier ...	250	0	0			
32	1	Travelling Inspector ...	250	0	0			
33	1	Chief Clerk, Goods Audit ...	250	0	0			
34	1	Do. Coaching do. ...	250	0	0			
35	1	Travelling Inspector ...	225	0	0			
36	1	Bookkeeper, Pay Office ...	230	0	0			
37	1	Clerk ...	225	0	0			
38	1	Bookkeeper, Expenditure Branch ...	230	0	0			
39	1	Clerk ...	200	0	0			
40	1	Chief Clerk, Stationery Department...	200	0	0			
41	1	Clerk ...	200	0	0			
42	1	Do. ...	190	0	0			
43	1	Do. ...	190	0	0			
Carried forward ...			11546	13	4			

\* Position abolished on 14th August. Officer on leave on full salary.



*Appropriation.*

## COMMISSIONER OF RAILWAYS—(continued).

Item No	No. of Persons.		£	s.	d.	£	s.	d.
<b>Railways and Tramways—continued.</b>								
		Brought forward	...	11546	13	4		
<b>SALARIES, FIXED—continued.</b>								
<i>Chief Accountant's Branch—continued.</i>								
44	1	Clerk	...	190	0	0		
45	1	Do.	...	190	0	0		
46	1	Do.	...	190	0	0		
47	1	Do.	...	185	0	0		
48	1	Do.	...	180	0	0		
49	1	Do.	...	130	0	0		
50	1	Do.	...	180	0	0		
51	1	*Do.	...	180	0	0		
52	1	Do.	...	175	0	0		
53	1	Do.	...	170	0	0		
54	1	Do.	...	170	0	0		
55	1	Do.	...	170	0	0		
56	1	Do.	...	170	0	0		
57	1	Do.	...	170	0	0		
58	1	Do.	...	170	0	0		
59	1	Do.	...	170	0	0		
60	1	Do.	...	160	0	0		
61	1	Do.	...	160	0	0		
62	1	Do.	...	160	0	0		
63	1	Do.	...	160	0	0		
64	1	Do.	...	150	0	0		
65	1	Do.	...	150	6	0		
66	1	Do. (9 months at £180 p.a.)	...	135	0	0		
67	1	Do.	...	150	0	0		
68	1	Do.	...	140	0	0		
69	1	Do.	...	140	0	0		
70	1	Do.	...	120	0	0		
71	1	Do.	...	110	0	0		
72	1	Do.	...	110	0	0		
73	1	Do.	...	110	0	0		
74	1	Do.	...	110	0	0		
75	1	Do.	...	90	0	0		
76	1	Do.	...	90	0	0		
77	1	Do.	...	90	0	0		
78	1	Cadet	...	90	0	0		
79	1	Do.	...	90	0	0		
80	1	Do.	...	70	0	0		
81	1	Do.	...	50	0	0		
82	1	Do.	...	50	0	0		
83	1	Do.	...	50	0	0		
84	1	Do.	...	50	0	0		
85	1	Do.	...	50	0	0		
86	1	Do.	...	50	0	0		
87	1	Do.	...	50	0	0		
88	1	*Do.	...	50	0	0		
		Carried forward	...	17371	13	4		

\* Previously under New Works and Improvements.

*Appropriation.*

## COMMISSIONER OF RAILWAYS—(continued).

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
<b>Railways and Tramways—continued.</b>								
		Brought forward	...	17371	13	4		
<b>SALARIES, FIXED—continued.</b>								
<i>Chief Accountant's Branch—continued.</i>								
89	1	Cadet	...	50	0	0		
90	1	Do.	...	40	0	0		
91	1	Do.	...	40	0	0		
92	1	Do.	...	40	0	0		
93	1	Do.	...	40	0	0		
94	1	Do.	...	40	0	0		
95	1	Do.	...	40	0	0		
96	1	Do.	...	40	0	0		
<i>Chief Traffic Manager's Branch.</i>								
97	1	Chief Traffic Manager	...	900	0	0		
98	1	District Superintendent	...	450	0	0		
99	1	Do.	...	400	0	0		
100	1	Do.	...	400	0	0		
101	1	Do.	...	400	0	0		
102	1	Chief Clerk	...	350	0	0		
103	1	Inspector	...	265	0	0		
104	1	Do.	...	250	0	0		
105	1	Do.	...	60	0	0		
106	1	Do.	...	180	0	0		
107	1	Do.	...	240	0	0		
108	1	Do.	...	240	0	0		
109	1	Do.	...	240	0	0		
110	1	Do.	...	225	0	0		
111	1	Do.	...	225	0	0		
112	1	Do.	...	210	0	0		
113	1	Do.	...	200	0	0		
114	1	Stationmaster	...	225	0	0		
115	1	Do.	...	190	0	0		
116	1	Do.	...	150	0	0		
117	1	Do.	...	180	0	0		
118	1	Do.	...	200	0	0		
119	1	Do.	...	180	0	0		
120	1	Do.	...	160	0	0		
121	1	Do.	...	295	0	0		
122	1	Do.	...	170	0	0		
123	1	Do.	...	170	0	0		
124	1	Do.	...	150	0	0		
125	1	Do.	...	200	0	0		
126	1	Do.	...	295	0	0		
127	1	Do.	...	150	0	0		
128	1	Do.	...	160	0	0		
129	1	Do.	...	200	0	0		
130	1	Do.	...	170	0	0		
131	1	Do.	...	180	0	0		
		Carried forward	...	26361	13	4		

*Appropriation.*

## COMMISSIONER OF RAILWAYS—(continued).

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
<b>Railways and Tramways—continued.</b>								
		Brought forward	26361	13	4			
<b>SALARIES, FIXED—continued.</b>								
<i>Chief Traffic Manager's Branch—continued.</i>								
132	1	Station-master	160	0	0			
133	1	Do.	285	0	0			
134	1	Do.	170	0	0			
135	1	Do.	250	0	0			
136	1	Do.	275	0	0			
137	1	Do.	300	0	0			
138	1	Do.	250	0	0			
139	1	Do.	200	0	0			
140	1	Do.	160	0	0			
141	1	Do.	150	0	0			
142	1	Do.	150	0	0			
143	1	Do.	180	0	0			
144	1	Do.	235	0	0			
145	1	Do.	150	0	0			
146	1	Do.	180	0	0			
147	1	Do.	180	0	0			
148	1	Do.	170	0	0			
149	1	Do.	170	0	0			
150	1	Do.	175	0	0			
151	1	Do.	150	0	0			
152	1	Do.	160	0	0			
153	1	Do.	150	0	0			
154	1	Do.	160	0	0			
155	1	Do.	275	0	0			
156	1	Do.	180	0	0			
157	1	Do.	170	0	0			
158	1	Do.	160	0	0			
159	1	Do.	150	0	0			
160	1	Do.	180	0	0			
161	1	Do.	170	0	0			
162	1	Do.	160	0	0			
163	1	Do.	250	0	0			
164	1	Do.	150	0	0			
165	1	Do.	270	0	0			
166	1	Do.	170	0	0			
167	1	Do.	160	0	0			
168	1	Do.	210	0	0			
169	1	Do.	150	0	0			
170	1	Do.	200	0	0			
171	1	Do.	160	0	0			
172	1	Do.	250	0	0			
173	1	Goods Agent and Piermaster	360	0	0			
174	1	Goods Agent	350	0	0			
175	1	Do.	250	0	0			
176	1	Do.	250	0	0			
		Carried forward	95396	13	4			

*Appropriation.*

## COMMISSIONER OF RAILWAYS—(continued).

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
<b>Railways and Tramways—continued.</b>								
		Brought forward	...	35396	13	4		
<b>SALARIES, FIXED—continued.</b>								
<i>Chief Traffic Manager's Branch—continued.</i>								
177	1	Night Station-master	...	150	0	0		
178	1	Do.	...	180	0	0		
179	1	Do.	...	160	0	0		
180	1	Do.	...	150	0	0		
181	1	Do.	...	160	0	0		
182	1	Do.	...	150	0	0		
183	1	Do.	...	180	0	0		
184	1	Do.	...	150	0	0		
185	1	Officer in Charge	...	145	0	0		
186	1	Do.	...	140	0	0		
187	1	Do.	...	145	0	0		
188	1	Do.	...	145	0	0		
189	1	Do.	...	140	0	0		
190	1	Do.	...	140	0	0		
191	1	Do.	...	145	0	0		
192	1	Do.	...	145	0	0		
193	1	Do.	...	145	0	0		
194	1	Do.	...	140	0	0		
195	1	Do.	...	145	0	0		
196	1	Do.	...	140	0	0		
197	1	Do.	...	140	0	0		
198	1	Do.	...	145	0	0		
199	1	Do.	...	140	0	0		
200	1	Do.	...	145	0	0		
201	1	Do.	...	140	0	0		
202	1	Do.	...	140	0	0		
203	1	Do.	...	140	0	0		
204	1	Do.	...	140	0	0		
205	1	Do.	...	140	0	0		
206	1	Do.	...	145	0	0		
207	1	Do.	...	140	0	0		
208	1	Do.	...	140	0	0		
209	1	Do.	...	140	0	0		
210	1	Do.	...	145	0	0		
211	1	Do.	...	140	0	0		
212	1	Do.	...	140	0	0		
213	1	Do.	...	140	0	0		
214	1	Do.	...	140	0	0		
215	1	Do.	...	140	0	0		
216	1	Do.	...	140	0	0		
217	1	Do.	...	140	0	0		
218	1	Do.	...	140	0	0		
219	1	Do.	...	140	0	0		
220	1	Do.	...	140	0	0		
221	1	Do.	...	140	0	0		
		Carried forward	...	41911	13	4		

*Appropriation.*

## COMMISSIONER OF RAILWAYS—(continued).

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
<b>Railways and Tramways—continued.</b>								
		Brought forward	...	41911	13	4		
<b>SALARIES, FIXED—continued.</b>								
<i>Chief Traffic Manager's Branch—continued.</i>								
222	1	Officer in Charge...	...	140	0	0		
223	1	Do.	...	140	0	0		
224	1	Do.	...	140	0	0		
225	1	Do.	...	140	0	0		
226	1	Do.	...	140	0	0		
227	1	Do.	...	140	0	0		
228	1	Do.	...	140	0	0		
229	1	Do.	...	140	0	0		
230	1	Do.	...	140	0	0		
231	1	Do.	...	140	0	0		
232	1	Do.	...	145	0	0		
233	1	Do.	...	140	0	0		
234	1	Do.	...	140	0	0		
235	1	Do.	...	140	0	0		
236	1	Do.	...	140	0	0		
237	1	Do.	...	145	0	0		
238	1	Do.	...	140	0	0		
239	1	Do.	...	140	0	0		
240	1	Do.	...	140	0	0		
241	1	Do.	...	140	0	0		
242	1	Do.	...	145	0	0		
243	1	Do.	...	145	0	0		
244	1	Do.	...	145	0	0		
245	1	Do.	...	145	0	0		
246	1	Do.	...	145	0	0		
247	1	Do.	...	145	0	0		
248	1	Do.	...	145	0	0		
249	1	Do.	...	145	0	0		
250	1	Do.	...	145	0	0		
251	1	Do.	...	145	0	0		
252	1	Do.	...	140	0	0		
253	1	Do.	...	145	0	0		
254	1	Do.	...	145	0	0		
255	1	Do.	...	145	0	0		
256	1	Do.	...	145	0	0		
257	1	Do.	...	145	0	0		
258	1	Do.	...	145	0	0		
259	1	Do.	...	145	0	0		
260	1	Do.	...	145	0	0		
261	1	Do.	...	140	0	0		
262	1	Do.	...	145	0	0		
263	1	Do.	...	115	0	0		
264	1	Do.	...	145	0	0		
265	1	Do.	...	140	0	0		
266	1	Do.	...	145	0	0		
		Carried forward	...	48301	13	4		

*Appropriation.*

## COMMISSIONER OF RAILWAYS—(continued).

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
<b>Railways and Tramways—continued.</b>								
		Brought forward ...	48301	13	4			
<b>SALARIES, FIXED—continued.</b>								
<i>Chief Traffic Manager's Branch—continued.</i>								
267	1	Officer in Charge...	145	0	0			
268	1	Do.	145	0	0			
269	1	Do.	140	0	0			
270	1	Do.	145	0	0			
271	1	Do.	145	0	0			
272	1	Do.	145	0	0			
273	1	Do.	140	0	0			
274	1	Do.	140	0	0			
275	1	Do.	140	0	0			
276	1	Do.	140	0	0			
277	1	Do.	140	0	0			
278	1	Do.	140	0	0			
279	1	Do.	140	0	0			
280	1	Do.	140	0	0			
281	1	Do.	140	0	0			
282	1	Do.	140	0	0			
283	1	Do.	140	0	0			
284	1	Do.	140	0	0			
285	1	Do.	140	0	0			
286	1	Night Officer	140	0	0			
287	1	Do.	140	0	0			
288	1	Do.	140	0	0			
289	1	Do.	140	0	0			
290	1	Do.	140	0	0			
291	1	Do.	140	0	0			
292	1	Do.	140	0	0			
293	1	Do.	140	0	0			
294	1	Do.	140	0	0			
295	1	Do.	140	0	0			
296	1	Do.	140	0	0			
297	1	Do.	140	0	0			
298	1	Do.	140	0	0			
299	1	Do.	140	0	0			
300	1	Do.	130	0	0			
301	1	Do.	140	0	0			
302	1	Do.	140	0	0			
303	1	Do.	140	0	0			
304	1	Do.	140	0	0			
305	1	Do.	130	0	0			
306	1	Do.	140	0	0			
307	1	Do.	140	0	0			
308	1	Do.	130	0	0			
309	1	Do.	140	0	0			
310	1	Do.	140	0	0			
311	1	Do.	130	0	0			
		Carried forward ...	54586	13	4			

*Appropriation.***COMMISSIONER OF RAILWAYS—(continued).**

Item No.	No. of Persons.						£	s.	d.	£	s.	d.
Railways and Tramways—continued.												
Brought forward							54586	13	4			
SALARIES, FIXED—continued.												
Chief Traffic Manager's Branch—continued.												
312	1	Night Officer	...	...	...	...	140	0	0			
313	1	Do.	...	...	...	...	130	0	0			
314	1	Do.	...	...	...	...	140	0	0			
315	1	Do.	...	...	...	...	130	0	0			
316	1	Do.	...	...	...	...	130	0	0			
317	1	Do.	...	...	...	...	130	0	0			
318	1	Do.	...	...	...	...	130	0	0			
319	1	Do.	...	...	...	...	130	0	0			
320	1	Do.	...	...	...	...	140	0	0			
321	1	Do.	...	...	...	...	130	0	0			
322	1	Do.	...	...	...	...	130	0	0			
323	1	Do.	...	...	...	...	130	0	0			
324	1	Do.	...	...	...	...	140	0	0			
325	1	Do.	...	...	...	...	130	0	0			
326	1	Do.	...	...	...	...	130	0	0			
327	1	Do.	...	...	...	...	130	0	0			
328	1	Do.	...	...	...	...	130	0	0			
329	1	Do.	...	...	...	...	130	0	0			
330	1	Do.	...	...	...	...	130	0	0			
331	1	Do.	...	...	...	...	130	0	0			
332	1	Do.	...	...	...	...	130	0	0			
333	1	Do.	...	...	...	...	130	0	0			
334	1	Do.	...	...	...	...	130	0	0			
335	1	Do.	...	...	...	...	130	0	0			
336	1	Do.	...	...	...	...	130	0	0			
337	1	Do.	...	...	...	...	130	0	0			
338	1	Do.	...	...	...	...	130	0	0			
339	1	Do.	...	...	...	...	130	0	0			
340	1	Do.	...	...	...	...	130	0	0			
341	1	Do.	...	...	...	...	130	0	0			
342	1	Do.	...	...	...	...	130	0	0			
343	1	Do.	...	...	...	...	130	0	0			
344	1	Do.	...	...	...	...	130	0	0			
345	1	Do.	...	...	...	...	130	0	0			
346	1	Do.	...	...	...	...	140	0	0			
347	1	Do.	...	...	...	...	130	0	0			
348	1	Do.	...	...	...	...	130	0	0			
349	1	Do.	...	...	...	...	130	0	0			
350	1	Do.	...	...	...	...	130	0	0			
351	1	Do.	...	...	...	...	140	0	0			
352	1	Do.	...	...	...	...	130	0	0			
353	1	Do.	...	...	...	...	130	0	0			
354	1	Do.	...	...	...	...	130	0	0			
355	1	Do.	...	...	...	...	130	0	0			
356	1	Do.	...	...	...	...	140	0	0			
Carried forward							60506	13	4			

*Appropriation.*

## COMMISSIONER OF RAILWAYS—(continued).

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
<b>Railways and Tramways—continued.</b>								
		Brought forward ...	60506	13	4			
<b>SALARIES, FIXED—continued.</b>								
<i>Chief Traffic Manager's Branch—continued.</i>								
357	1	Night Officer ...	140	0	0			
358	1	Do. ...	140	0	0			
359	1	Do. ...	140	0	0			
360	1	Do. ...	140	0	0			
361	1	Do. ...	140	0	0			
362	1	Do. ...	140	0	0			
363	1	Do. ...	130	0	0			
364	1	Do. ...	140	0	0			
365	1	Do. ...	140	0	0			
366	1	Do. ...	140	0	0			
367	1	Do. ...	140	0	0			
368	1	Do. ...	130	0	0			
369	1	Do. ...	140	0	0			
370	1	Do. ...	140	0	0			
371	1	Do. ...	140	0	0			
372	1	Do. ...	140	0	0			
373	1	Do. ...	140	0	0			
374	1	Do. ...	140	0	0			
375	1	Do. ...	140	0	0			
376	1	Do. ...	140	0	0			
377	1	Do. ...	140	0	0			
378	1	Do. ...	140	0	0			
379	1	Do. ...	140	0	0			
380	1	Do. ...	140	0	0			
381	1	Do. ...	140	0	0			
382	1	Do. ...	140	0	0			
383	1	Do. ...	140	0	0			
384	1	Do. ...	140	0	0			
385	1	Do. ...	140	0	0			
386	1	Do. ...	130	0	0			
387	1	Do. ...	140	0	0			
388	1	Do. ...	140	0	0			
389	1	Do. ...	140	0	0			
390	1	Do. ...	140	0	0			
391	1	Do. ...	140	0	0			
392	1	Do. ...	140	0	0			
393	1	Do. ...	140	0	0			
394	1	Do. ...	140	0	0			
395	1	Do. ...	130	0	0			
396	1	Do. ...	130	0	0			
397	1	Do. ...	130	0	0			
398	1	Do. ...	130	0	0			
399	1	Do. ...	130	0	0			
400	1	Do. ...	130	0	0			
		Carried forward ...	66576	13	4			



*Appropriation.*

## COMMISSIONER OF RAILWAYS—(continued).

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
<b>Railways and Tramways—continued.</b>								
		Brought forward	...	66576	13	4		
<b>SALARIES, FIXED—continued.</b>								
<i>Chief Traffic Manager's Branch—continued.</i>								
401	1	Clerk	...	300	0	0		
402	1	Do.	...	285	0	0		
403	1	Do.	...	275	0	0		
404	1	Do.	...	240	0	0		
405	1	Do.	...	230	0	0		
406	1	Do.	...	210	0	0		
407	1	Do.	...	210	0	0		
408	1	Do.	...	195	0	0		
409	1	Do.	...	195	0	0		
410	1	Do.	...	185	0	0		
411	1	Do.	...	170	0	0		
412	1	Do.	...	175	0	0		
413	1	Do.	...	175	0	0		
414	1	Do.	...	160	0	0		
415	1	Do.	...	150	0	0		
416	1	Do.	...	285	0	0		
417	1	Do.	...	230	0	0		
418	1	Do.	...	210	0	0		
419	1	Do.	...	185	0	0		
420	1	Do.	...	180	0	0		
421	1	Do.	...	170	0	0		
422	1	Do.	...	180	0	0		
423	1	Do.	...	160	0	0		
424	1	Do.	...	170	0	0		
425	1	Do.	...	160	0	0		
426	1	Do.	...	140	0	0		
427	1	Do.	...	130	0	0		
428	1	Do.	...	130	0	0		
429	1	Do.	...	120	0	0		
430	1	Do.	...	185	0	0		
431	1	Do.	...	170	0	0		
432	1	Do.	...	170	0	0		
433	1	Do.	...	225	0	0		
434	1	Do.	...	210	0	0		
435	1	Do.	...	200	0	0		
436	1	Do.	...	200	0	0		
437	1	Do.	...	190	0	0		
438	1	Do.	...	185	0	0		
439	1	Do.	...	170	0	0		
440	1	Do.	...	180	0	0		
441	1	Do.	...	170	0	0		
442	1	Do.	...	170	0	0		
443	1	Do.	...	170	0	0		
444	1	Do.	...	170	0	0		
		Carried forward	...	74946	13	4		

*Appropriation.*

## COMMISSIONER OF RAILWAYS—(continued).

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
<b>Railways and Tramways—continued.</b>								
		Brought forward ...	74946	13	4			
<b>SALARIES, FIXED—continued.</b>								
<i>Chief Traffic Manager's Branch—continued.</i>								
445	1	Clerk ...	170	0	0			
446	1	Do. ...	160	0	0			
447	1	Do. ...	160	0	0			
448	1	Do. ...	160	0	0			
449	1	Do. ...	160	0	0			
450	1	Do. ...	150	0	0			
451	1	Do. ...	130	0	0			
452	1	Do. ...	150	0	0			
453	1	Do. ...	140	0	0			
454	1	Do. ...	120	0	0			
455	1	Do. ...	120	0	0			
456	1	Do. ...	160	0	0			
457	1	Do. ...	180	0	0			
458	1	Do. ...	160	0	0			
459	1	Do. ...	180	0	0			
460	1	Do. ...	180	0	0			
461	1	Do. ...	180	0	0			
462	1	Do. ...	150	0	0			
463	1	Do. ...	180	0	0			
464	1	Do. ...	120	0	0			
465	1	Do. ...	110	0	0			
466	1	Do. ...	110	0	0			
467	1	Do. ...	110	0	0			
468	1	Do. ...	210	0	0			
469	1	Do. ...	210	0	0			
470	1	Do. ...	170	0	0			
471	1	Do. ...	170	0	0			
472	1	Do. ...	170	0	0			
473	1	Do. ...	170	0	0			
474	1	Do. ...	170	0	0			
475	1	Do. ...	140	0	0			
476	1	Do. ...	180	0	0			
477	1	Do. ...	140	0	0			
478	1	Do. ...	140	0	0			
479	1	Do. ...	140	0	0			
480	1	Do. ...	140	0	0			
481	1	Do. ...	140	0	0			
482	1	Do. ...	110	0	0			
483	1	Do. ...	100	0	0			
484	1	Do. ...	120	0	0			
485	1	Do. ...	110	0	0			
486	1	Do. ...	140	0	0			
487	1	Do. ...	225	0	0			
488	1	Do. ...	180	0	0			
489	1	Do. ...	200	0	0			
490	1	Do. ...	170	0	0			
		Carried forward ...	81781	13	4			

*Appropriation.*

## COMMISSIONER OF RAILWAYS—(continued).

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
<b>Railways and Tramways—continued.</b>								
		Brought forward	...	81781	13	4		
<b>SALARIES, FIXED—continued.</b>								
<i>Chief Traffic Manager's Branch—continued.</i>								
491	1	Clerk	...	170	0	0		
492	1	Do.	...	170	0	0		
493	1	Do.	...	170	0	0		
494	1	Do.	...	170	0	0		
495	1	Do.	...	160	0	0		
496	1	Do.	...	170	0	0		
497	1	Do.	...	160	0	0		
498	1	Do.	...	170	0	0		
499	1	Do.	...	150	0	0		
500	1	Do.	...	150	0	0		
501	1	Do.	...	140	0	0		
502	1	Do.	...	140	0	0		
503	1	Do.	...	130	0	0		
504	1	Do.	...	120	0	0		
505	1	Do.	...	120	0	0		
506	1	Do.	...	200	0	0		
507	1	Do.	...	140	0	0		
508	1	Do.	...	120	0	0		
509	1	Do.	...	150	0	0		
510	1	Do.	...	170	0	0		
511	1	Do.	...	110	0	0		
512	1	Do.	...	150	0	0		
513	1	Do.	...	180	0	0		
514	1	Do.	...	150	0	0		
515	1	Do.	...	160	0	0		
516	1	Do.	...	150	0	0		
517	1	Do.	...	160	0	0		
518	1	Do.	...	150	0	0		
519	1	Do.	...	250	0	0		
520	1	Do.	...	170	0	0		
521	1	Do.	...	170	0	0		
522	1	Do.	...	170	0	0		
523	1	Do.	...	170	0	0		
524	1	Do.	...	150	0	0		
525	1	Do.	...	140	0	0		
526	1	Do.	...	130	0	0		
527	1	Do.	...	130	0	0		
528	1	Do.	...	200	0	0		
529	1	Do.	...	185	0	0		
530	1	Do.	...	175	0	0		
531	1	Do.	...	175	0	0		
532	1	Do.	...	170	0	0		
533	1	Do.	...	160	0	0		
534	1	Do.	...	170	0	0		
535	1	Do.	...	140	0	0		
		Carried forward	...	88916	13	4		

*Appropriation.*

## COMMISSIONER OF RAILWAYS—(continued).

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
<b>Railways and Tramways—continued.</b>								
		Brought forward	...	88916	13	4		
<b>SALARIES, FIXED—continued.</b>								
<i>Chief Traffic Manager's Branch—continued.</i>								
536	1	Clerk	...	200	0	0		
537	1	Do.	...	150	0	0		
538	1	Do.	...	150	0	0		
539	1	Do.	...	150	0	0		
540	1	Do.	...	130	0	0		
541	1	Do.	...	140	0	0		
542	1	Do.	...	150	0	0		
543	1	Do.	...	210	0	0		
544	1	Do.	...	160	0	0		
545	1	Do.	...	150	0	0		
546	1	Do.	...	110	0	0		
547	1	Do.	...	180	0	0		
548	1	Do.	...	170	0	0		
549	1	Do.	...	150	0	0		
550	1	Do.	...	170	0	0		
551	1	Do.	...	150	0	0		
552	1	Do.	...	140	0	0		
553	1	Do.	...	110	0	0		
554	1	Do.	...	130	0	0		
555	1	Do.	...	180	0	0		
556	1	Do.	...	130	0	0		
557	1	Do.	...	160	0	0		
558	1	Do.	...	130	0	0		
559	1	Do.	...	140	0	0		
560	1	Do.	...	120	0	0		
561	1	Do.	...	170	0	0		
562	1	Do.	...	140	0	0		
563	1	Do.	...	140	0	0		
564	1	Do.	...	190	0	0		
565	1	Do.	...	185	0	0		
566	1	Do.	...	150	0	0		
567	1	Do.	...	150	0	0		
568	1	Do.	...	150	0	0		
569	1	Do.	...	150	0	0		
570	1	Do.	...	150	0	0		
571	1	Do.	...	110	0	0		
572	1	Do.	...	110	0	0		
573	1	Do.	...	110	0	0		
574	1	Do.	...	110	0	0		
575	1	Do.	...	110	0	0		
576	1	Do.	...	110	0	0		
577	1	Do.	...	130	0	0		
578	1	Do.	...	130	0	0		
579	1	Do.	...	130	0	0		
		Carried forward	...	95301	13	4		

*Appropriation.*

## COMMISSIONER OF RAILWAYS—(continued).

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
<b>Railways and Tramways—continued.</b>								
		Brought forward	...	95301	13	4		
<b>SALARIES, FIXED—continued.</b>								
<i>Chief Traffic Manager's Branch—continued.</i>								
580	1	Clerk	...	130	0	0		
581	1	Do.	...	110	0	0		
582	1	Do.	...	110	0	0		
583	1	Do.	...	90	0	0		
584	1	Cadet	...	90	0	0		
585	1	Do.	...	90	0	0		
586	1	Do.	...	70	0	0		
587	1	Do.	...	70	0	0		
588	1	Do.	...	50	0	0		
589	1	Do.	...	50	0	0		
590	1	Do.	...	50	0	0		
591	1	Do.	...	50	0	0		
592	1	Do.	...	70	0	0		
593	1	Do.	...	90	0	0		
594	1	Do.	...	90	0	0		
595	1	Do.	...	100	0	0		
596	1	Do.	...	70	0	0		
597	1	Do.	...	70	0	0		
598	1	Do.	...	50	0	0		
599	1	Do.	...	50	0	0		
600	1	Do.	...	50	0	0		
601	1	Do.	...	50	0	0		
602	1	Do.	...	50	0	0		
603	1	Do.	...	90	0	0		
604	1	Do.	...	50	0	0		
605	1	Do.	...	100	0	0		
606	1	Do.	...	90	0	0		
607	1	Do.	...	90	0	0		
608	1	Do.	...	90	0	0		
609	1	Do.	...	100	0	0		
610	1	Do.	...	100	0	0		
611	1	Do.	...	50	0	0		
612	1	Do.	...	100	0	0		
613	1	Do.	...	90	0	0		
614	1	Do.	...	90	0	0		
615	1	Do.	...	90	0	0		
616	1	Do.	...	90	0	0		
617	1	Do.	...	70	0	0		
618	1	Do.	...	70	0	0		
619	1	Do.	...	50	0	0		
620	1	Do.	...	50	0	0		
621	1	Do.	...	90	0	0		
622	1	Do.	...	50	0	0		
623	1	Do.	...	100	0	0		
		Carried forward	...	98701	13	4		

*Appropriation.*

## COMMISSIONER OF RAILWAYS—(continued).

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
<b>Railways and Tramways—continued.</b>								
		Brought forward	...	...	...	98701	13	4
<b>SALARIES, FIXED—continued.</b>								
<i>Chief Traffic Manager's Branch—continued.</i>								
624	1	Cadet	...	...	...	90	0	0
625	1	Do.	...	...	...	100	0	0
626	1	Do.	...	...	...	70	0	0
627	1	Do.	...	...	...	50	0	0
628	1	Do.	...	...	...	50	0	0
629	1	Do.	...	...	...	50	0	0
630	1	Do.	...	...	...	70	0	0
631	1	Do.	...	...	...	100	0	0
632	1	Do.	...	...	...	50	0	0
633	1	Do.	...	...	...	50	0	0
634	1	Do.	...	...	...	50	0	0
635	1	Do.	...	...	...	70	0	0
636	1	Do.	...	...	...	90	0	0
637	1	Do.	...	...	...	70	0	0
638	1	Do.	...	...	...	70	0	0
639	1	Do.	...	...	...	50	0	0
640	1	Do.	...	...	...	70	0	0
641	1	Do.	...	...	...	50	0	0
642	1	Do.	...	...	...	90	0	0
643	1	Do.	...	...	...	50	0	0
644	1	Do.	...	...	...	100	0	0
645	1	Do.	...	...	...	90	0	0
646	1	Do.	...	...	...	70	0	0
647	1	Do.	...	...	...	50	0	0
648	1	Do.	...	...	...	50	0	0
649	1	Do.	...	...	...	100	0	0
650	1	Do.	...	...	...	100	0	0
651	1	Do.	...	...	...	50	0	0
652	1	Do.	...	...	...	50	0	0
653	1	Do.	...	...	...	50	0	0
654	1	Do.	...	...	...	100	0	0
655	1	Do.	...	...	...	50	0	0
656	1	Do.	...	...	...	90	0	0
657	1	Do.	...	...	...	50	0	0
658	1	Do.	...	...	...	90	0	0
659	1	Do.	...	...	...	90	0	0
660	1	Do.	...	...	...	50	0	0
661	1	Do.	...	...	...	40	0	0
662	1	Do.	...	...	...	40	0	0
663	1	Do.	...	...	...	40	0	0
664	1	Do.	...	...	...	40	0	0
665	1	Do.	...	...	...	40	0	0
666	1	Do.	...	...	...	40	0	0
Carried forward						101511	13	4

*Appropriation.*

## COMMISSIONER OF RAILWAYS—(continued).

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
<b>Railways and Tramways—continued.</b>								
		Brought forward	...	101511	13	4		
<b>SALARIES, FIXED—continued.</b>								
<i>Chief Mechanical Engineer's Branch.</i>								
667	1	Chief Mechanical Engineer	...	1000	0	0		
668	1	Works Manager	...	500	0	0		
669	1	Loco. Inspector	...	400	0	0		
670	1	Loco. Foreman	...	350	0	0		
671	1	Do.	...	350	0	0		
672	1	Loco. Inspector	...	300	0	0		
673	1	Loco. Foreman	...	*300	0	0		
674	1	Loco. Inspector	...	240	0	0		
675	1	Carriage and Wagon Inspector	...	260	0	0		
676	1	Do.	...	250	0	0		
677	1	Do.	...	180	0	0		
678	1	Do.	...	170	0	0		
679	1	Coal Inspector	...	220	0	0		
680	1	Boiler Inspector	...	350	0	0		
681	1	Chief Rolling Stock Inspector	...	400	0	0		
682	1	Chief Clerk	...	400	0	0		
683	1	Storekeeper	...	350	0	0		
684	1	Accountant	...	320	0	0		
685	1	Chief Draftsman	...	350	0	0		
686	1	Foreman	...	275	0	0		
687	1	Do.	...	275	0	0		
688	1	Do.	...	260	0	0		
689	1	Do.	...	250	0	0		
690	1	Do.	...	250	0	0		
691	1	Do.	...	250	0	0		
692	1	Do.	...	250	0	0		
693	1	Do.	...	300	0	0		
694	1	Do.	...	300	0	0		
695	1	Do.	...	325	0	0		
696	1	Do.	...	251	0	0		
697	1	Do.	...	300	0	0		
698	1	Do.	...	275	0	0		
699	1	Do.	...	251	0	0		
700	1	Do.	...	240	0	0		
701	1	Do.	...	245	0	0		
702	1	Do.	...	280	0	0		
703	1	Do.	...	275	0	0		
704	1	Do.	...	255	0	0		
705	1	Do.	...	275	0	0		
706	1	Do.	...	240	0	0		
707	1	Do.	...	240	0	0		
708	1	Do.	...	255	0	0		
709	1	Do.	...	275	0	0		
710	1	Clerk	...	230	0	0		
711	1	Do	...	200	0	0		
		Carried forward	...	115023	13	4		

\* Two months at £175 per annum.

*Appropriation.*

## COMMISSIONER OF RAILWAYS—(continued).

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
<b>Railways and Tramways—continued.</b>								
		Brought forward ...	115023	13	4			
<b>SALARIES, FIXED—continued.</b>								
<i>Chief Mechanical Engineer's Branch—continued.</i>								
712	1	Clerk ... ..	190	0	0			
713	1	Do. ... ..	175	0	0			
714	1	Do. ... ..	200	0	0			
715	1	Do. ... ..	170	0	0			
716	1	Do. ... ..	175	0	0			
717	1	Do. ... ..	180	0	0			
718	1	Do. ... ..	*28	6	8			
719	1	Do. ... ..	170	0	0			
720	1	Do. ... ..	165	0	0			
721	1	Do. ... ..	156	0	0			
722	1	Do. ... ..	190	0	0			
723	1	Do. ... ..	110	0	0			
724	1	Do. ... ..	200	0	0			
725	1	Do. ... ..	180	0	0			
726	1	Do. ... ..	156	0	0			
727	1	Do. ... ..	140	0	0			
728	1	Do. ... ..	180	0	0			
729	1	Do. ... ..	160	0	0			
730	1	Cadet ... ..	70	0	0			
731	1	Clerk ... ..	220	0	0			
732	1	Do. ... ..	180	0	0			
733	1	Do. ... ..	100	0	0			
734	1	Do. ... ..	225	0	0			
735	1	Do. ... ..	160	0	0			
736	1	Do. ... ..	170	0	0			
737	1	Do. ... ..	180	0	0			
738	1	Do. ... ..	170	0	0			
739	1	Do. ... ..	150	0	0			
740	1	Do. ... ..	190	0	0			
741	1	Do. ... ..	170	0	0			
742	1	Do. ... ..	140	0	0			
743	1	Do. ... ..	190	0	0			
744	1	Do. ... ..	130	0	0			
745	1	Do. ... ..	156	0	0			
746	1	Do. ... ..	170	0	0			
747	1	Do. ... ..	168	0	0			
748	1	Do. ... ..	190	0	0			
749	1	Do. ... ..	170	0	0			
750	1	Do. ... ..	160	0	0			
751	1	Do. ... ..	190	0	0			
752	1	Do. ... ..	170	0	0			
753	1	Do. ... ..	150	0	0			
754	1	Cadet ... ..	50	0	0			
755	1	Technical Clerk and Draftsman ... ..	200	0	0			
756	1	Clerk ... ..	200	0	0			
		Carried forward ...	122868	0	0			

\* Two months at £170 per annum.



*Appropriation.*

## COMMISSIONER OF RAILWAYS—(continued).

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
<b>Railways and Tramways—continued.</b>								
		Brought forward	122368	0	0			
<b>SALARIES, FIXED—continued.</b>								
<i>Chief Mechanical Engineer's Branch—continued.</i>								
757	1	Cadet	50	0	0			
758	1	Do.	50	0	0			
759	1	Do.	50	0	0			
760	1	Draftsman	260	0	0			
761	1	Do.	220	0	0			
762	1	Do.	220	0	0			
763	1	Do.	200	0	0			
764	1	Do.	160	0	0			
765	1	Tracer	130	0	0			
766	1	Tester	100	0	0			
767	1	Draftsman	210	0	0			
768	1	Clerk	200	0	0			
769	1	Do.	160	0	0			
770	1	Do.	160	0	0			
771	1	Foreman	312	0	0			
772	1	Cadet	40	0	0			
773	1	Do.	40	0	0			
774	1	Do.	40	0	0			
775	1	Do.	40	0	0			
776	1	Do.	40	0	0			
<i>Chief Engineer of Existing Lines Branch.</i>								
777	1	Chief Engineer of Existing Lines	800	0	0			
778	1	Assistant do.	600	0	0			
779	1	Resident Engineer	450	0	0			
780	1	Do.	400	0	0			
781	1	Do.	350	0	0			
782	1	Assistant Engineer	325	0	0			
783	1	Do.	290	0	0			
784	1	Do. (junior)	160	0	0			
785	1	Engineering Surveyor	325	0	0			
786	1	Do.	275	0	0			
787	1	Do.	275	0	0			
788	1	Do.	250	0	0			
789	1	Field Assistant	160	0	0			
790	1	Chief Clerk	350	0	0			
791	1	Accountant	300	0	0			
792	1	District Inspector	240	0	0			
793	1	Do.	220	0	0			
794	1	Workshops Foreman	250	0	0			
795	1	District Inspector	300	0	0			
796	1	Do.	240	0	0			
797	1	Do.	240	0	0			
798	1	Do.	240	0	0			
799	1	Do.	240	0	0			
800	1	Do.	240	0	0			
		Carried forward	182570	0	0			

*Appropriation.*

## COMMISSIONER OF RAILWAYS—(continued).

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
<b>Railways and Tramways—continued.</b>								
		Brought forward	...	132570	0	0		
<b>SALARIES, FIXED—continued.</b>								
<i>Chief Engineer of Existing Lines Branch—continued.</i>								
801	1	District Inspector	...	240	0	0		
802	1	Do.	...	230	0	0		
803	1	Do.	...	240	0	0		
804	1	Do.	...	220	0	0		
805	1	Do.	...	210	0	0		
806	1	Do.	...	210	0	0		
807	1	Do.	...	210	0	0		
808	1	Do.	...	200	0	0		
809	1	Draftsman	...	250	0	0		
810	1	Do.	...	225	0	0		
811	1	Do.	...	140	0	0		
812	1	Do. (junior)	...	130	0	0		
813	1	Clerk	...	240	0	0		
814	1	Do.	...	210	0	0		
815	1	Do.	...	225	0	0		
816	1	Do.	...	200	0	0		
817	1	Do.	...	200	0	0		
818	1	Do.	...	200	0	0		
819	1	Do.	...	200	0	0		
820	1	Do.	...	200	0	0		
821	1	Do.	...	200	0	0		
822	1	Do.	...	190	0	0		
823	1	Do.	...	180	0	0		
824	1	Do.	...	180	0	0		
825	1	Do.	...	170	0	0		
826	1	Do.	...	180	0	0		
827	1	Do.	...	180	0	0		
828	1	Do.	...	180	0	0		
829	1	Do.	...	170	0	0		
830	1	Do.	...	160	0	0		
831	1	Do.	...	180	0	0		
832	1	Do.	...	170	0	0		
833	1	Do.	...	170	0	0		
834	1	Do.	...	150	0	0		
835	1	Do.	...	160	0	0		
836	1	Do.	...	150	0	0		
837	1	Do.	...	140	0	0		
838	1	Do.	...	120	0	0		
839	1	Do.	...	130	0	0		
840	1	Do.	...	100	0	0		
841	1	Do.	...	120	0	0		
842	1	Do.	...	110	0	0		
843	1	Do.	...	90	0	0		
844	1	Do.	...	90	0	0		
845	1	Do.	...	110	0	0		
		Carried forward	...	140530	0	0		

*Appropriation.*

## COMMISSIONER OF RAILWAYS—(continued).

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
<b>Railways and Tramways—continued.</b>								
		Brought forward	...	140530	0	0		
<b>SALARIES, FIXED—continued.</b>								
<i>Chief Engineer of Existing Lines Branch—continued.</i>								
846	1	Clerk	...	120	0	0		
847	1	Do. (junior)	...	90	0	0		
848	1	Do. do.	...	70	0	0		
849	1	Cadet	...	40	0	0		
850	1	Do.	...	50	0	0		
851	1	Do.	...	50	0	0		
852	1	Do.	...	50	0	0		
853	1	Do.	...	40	0	0		
854	1	Do.	...	40	0	0		
855	1	Assistant Engineer	Previously under New Works and Improvements	400	0	0		
856	1	Do.		300	0	0		
857	1	Do. (junior)		175	0	0		
858	1	Draftsman		200	0	0		
859	1	Do.		180	0	0		
860	1	Surveyor		200	0	0		
861	1	Field Assistant (junior)		85	0	0		
862	1	Clerk		170	0	0		
863	1	Do.		110	0	0		
864	1	Do. (junior)		60	0	0		
865	1	do. do.		80	0	0		
866	1	San-printer		130	0	0		
867	1	Cadet		50	0	0		
868	1	Do.		40	0	0		
869	1	Do.		50	0	0		
870	1	Do.		50	0	0		
<i>Electrical Engineer's Branch.</i>								
871	1	Electrical Engineer	...	475	0	0		
872	1	Assistant Engineer	...	325	0	0		
873	1	Electric Light Inspector	...	210	0	0		
874	1	Shop Foreman	...	210	0	0		
875	1	Technical Clerk	...	200	0	0		
876	1	Chief Clerk	...	220	0	0		
877	1	Clerk	...	190	0	0		
878	1	Do.	...	165	0	0		
879	1	Do.	...	*141	13	4		
880	1	Do.	...	160	0	0		
881	1	Do.	...	120	0	0		
882	1	Storeman	...	175	0	0		
883	1	Do. (Assistant)	...	130	0	0		
884	1	Clerk	...	50	0	0		
885	1	Messenger	...	40	0	0		
		Carried forward	...	146171	13	4		

\* Ten Months, at £170 per annum.

*Appropriation.*

## COMMISSIONER OF RAILWAYS—(continued).

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
<b>Railways and Tramways—continued.</b>								
		Brought forward ... ..	146171	13	4			
<b>SALARIES, FIXED—continued.</b>								
<i>Interlocking Engineer's Staff.</i>								
886	1	Interlocking Engineer ... ..	450	0	0			
887	1	Inspector ... ..	270	0	0			
888	1	Draftsman ... ..	180	0	0			
889	1	Clerk ... ..	175	0	0			
890	1	Do. ... ..	140	0	0			
<b>SALARIES, PROVISIONAL AND TEMPORARY—£654,523.</b>								
891	...	Special Salary to the District Superintendent for special duties ... ..	50	0	0			
892	...	Temporary Clerical Assistance, Wages of Packers Foremen, Guards, Assistant Guards, Conductors, Signalmen, Head Shunters, Shunters, Head Porters, Porters, Youth Porters, Labourers, Watchmen, Gatekeepers, Checkers, Number Takers, Telephone Boys, Ticket Collectors, Carriage Cleaners, Vanmen, Tinsmiths, Townsmen, Charwomen, etc. ... ..	654473	0	0			
		Foremen, Mechanics, Drivers, Firemen, Cleaners, Labourers, Pumpers, Examiners, etc. ... ..						
		Mechanics, Gangers, Platelayers, and Labourers, etc. Workshop and Electric Light Employees, Instrument Inspectors, Fitters, Engine-drivers, Carpenters, etc., Linemen, Labourers ... ..						
		Interlocking Fitters (classified according to Regulations); also overtime and extra labour ... ..						
<b>ALLOWANCES—£7,155.</b>								
893	...	Allowances—Travelling for Inspectors, House, and Goldfields ... ..	7155	0	0			
<b>CONTINGENCIES—£359,092.</b>								
894	...	Materials and Stores of all kinds for the working of the Railways ... ..	266145	0	0			
895	...	Incidental and Miscellaneous Expenses (including Travelling Expenses, Printing, Stationery, Postage, Telegrams, and Telephone Rent, etc.) ... ..	30907	0	0			
896	...	Insurance of Buildings and Furniture, and Guarantee of Employees ... ..	3000	0	0			
897	...	Compensation Claims for Loss and detention of and Damage to Goods, etc., and Loss of Life or personal injuries, Compensation Allowances to employees injured on duty, etc., and to widows or families of employees killed in the execution of their duty ... ..	7000	0	0			
898	...	Rebuilding Wagon Stock ... ..	28140	0	0			
899	...	Replacing Obsolete Engines ... ..	22900	0	0			
900	...	Honorarium to Mr. J. Davies, General Manager ... ..	1000	0	0			
		Carried forward ... ..	1168156	13	4			

*Appropriation.*

## COMMISSIONER OF RAILWAYS—(continued).

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
<b>Railways and Tramways—continued.</b>								
		Brought forward ...	1168156	13	4			
<b>Cossack and Roebourne Tramway—£3,110.</b>								
<i>Traffic Branch—£1,650.</i>								
<b>SALARIES, FIXED—£200.</b>								
901	1	Manager ... ..	200	0	0			
<b>SALARIES, PROVISIONAL AND TEMPORARY—£1,300.</b>								
902	...	Wages—Foreman, Drivers, Porters, &c. (classified according to Regulations); also Overtime and Extra Labour ... ..	1300	0	0			
<b>ALLOWANCES—£50.</b>								
903	...	House Allowance, Manager ... ..	50	0	0			
<b>CONTINGENCIES—£100.</b>								
904	...	Materials and Incidental Expenses, including Claims for Loss or Detention of and Damage to Goods during Transit, and Compensation for Accident or Loss of Life ... ..	100	0	0			
<i>Traction Branch—£260.</i>								
<b>CONTINGENCIES—£260.</b>								
905	...	Fodder, Paddockings, Harness, and Purchase of Horses	260	0	0			
<i>Way and Works Branch—£1,200.</i>								
<b>SALARIES, PROVISIONAL AND TEMPORARY—£700.</b>								
906	...	Wages—Gangers and Platelayers (classified according to Regulations); also Overtime and Extra Labour	700	0	0			
<b>CONTINGENCIES—£500.</b>								
907	...	Materials and Incidental Expenses ... ..	500	0	0			
<b>Total Railways and Tramways</b> ...			...			1171266	13	4
<b>Total Commissioner of Railways</b> ...			...			1171266	13	4
Amount brought forward from Total to MINISTER OF LANDS ...			...			1192812	13	10
Amount carried forward to Total MINISTER FOR MINES ...			...			2364079	7	2

## Appropriation.

## MINISTER FOR MINES.

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
<b>MINES.</b>								
<b>SALARIES, FIXED—£27,985.</b>								
<b>Minister for Mines (Civil List).</b>								
1	1	Under Secretary for Mines	600	0	0			
2	1	State Mining Engineer (8 months at £600)	400	0	0			
3	1	Chief Clerk	385	0	0			
4	1	Caretaker	80	0	0			
<b>Accountant's Branch.</b>								
5	1	Chief Accountant and Collector of Mining Revenue	340	0	0			
6	1	Assistant Accountant <i>a</i>	250	0	0			
7	1	Clerk	200	0	0			
8	1	Do. <i>b</i>	200	0	0			
9	1	Do.	170	0	0			
<b>Correspondence Branch.</b>								
10	1	Chief Correspondence Clerk	285	0	0			
11	1	Clerk	225	0	0			
12	1	Record Clerk	210	0	0			
13	1	Shorthand Clerk and Typewriter	225	0	0			
14	1	Do. do.	210	0	0			
15	1	Do. do.	190	0	0			
16	1	Clerk <i>c</i>	180	0	0			
17	1	Do.	135	0	0			
18	1	Do.	115	0	0			
<b>Draftsman's Branch.</b>								
19	1	Chief Draftsman <i>d</i>	340	0	0			
20	1	Draftsman	240	0	0			
21	1	Do.	220	0	0			
22	1	Do.	220	0	0			
23	1	Do.	220	0	0			
24	1	Do.	210	0	0			
25	1	Do.	170	0	0			
<b>Registration Branch.</b>								
26	1	Inspecting Registrar	340	0	0			
27	1	Registrar	275	0	0			
28	1	Relieving Registrar	190	0	0			
29	1	Clerk <i>e</i>	190	0	0			
30	1	Do. <i>f</i>	180	0	0			
31	1	Do.	175	0	0			
32	1	Do. <i>g</i>	75	0	0			
<b>Statist's Branch.</b>								
33	1	Statist	275	0	0			
34	1	Clerk	185	0	0			
35	1	Do.	170	0	0			
Carried forward			8075	0	0			

*a* Includes £50 previously shown under "Public Batteries, Item 191," Correspondence Clerk and Temporary."

*c* This item was increased by "Form I." to £180 during Financial Year, 1900-1901.

*e* Previously Registrar, Broad Arrow, these duties now being combined with the duties of Draftsman.

to £180 during Financial Year, 1900-1901.

*b* Previously under "Salaries, Provisional

*d* Nine months at £340 only provided.

*f* This item was increased by "Form I."

*g* This item was increased by "Form I." to £75 during Financial Year, 1900-1901.

*Appropriation.***MINISTER FOR MINES—(continued).**

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
<b>Mines—continued.</b>								
		Brought forward ...	8075	0	0			
<b>SALARIES, FIXED—continued.</b>								
<i>Survey Branch.</i>								
36	1	Inspector of Mining Surveys ...	50	0	0			
37	1	Assistant Inspecting Surveyor ...	315	0	0			
38	1	Computer and Draftsman ...	250	0	0			
<b>GOLDFIELDS STAFF.</b>								
<b>ASHBURTON GOLDFIELD.</b>								
39	1	Mining Registrar, Mount Mortimer <i>a</i> ...	280	0	0			
<b>BROAD ARROW GOLDFIELD.</b>								
40	1	Mining Registrar and Draftsman <i>a</i> ...	260	0	0			
<b>COOLGARDIE GOLDFIELD.</b>								
<i>Warden's Staff.</i>								
41	1	Warden, Coolgardie ...	750	0	0			
42	1	Mining Registrar ...	300	0	0			
43	1	Assistant Mining Registrar <i>a</i> ...	205	0	0			
44	1	Clerk <i>a</i> ...	195	0	0			
45	1	Inquiry Draftsman <i>a</i> ...	225	0	0			
<i>Inspector of Mines' Staff.</i>								
46	1	Inspector of Mines <i>a</i> ...	400	0	0			
47	1	Assistant Inspector of Mines <i>a</i> ...	350	0	0			
<b>EAST COOLGARDIE GOLDFIELD.</b>								
<i>Warden's Staff.</i>								
48	1	Warden, Kalgoorlie ...	750	0	0			
49	1	Mining Registrar, Kalgoorlie ...	300	0	0			
50	1	Assistant Mining Registrar, Kalgoorlie <i>a</i> ...	210	0	0			
51	1	Draftsman <i>a</i> ...	250	0	0			
52	1	Clerk <i>a</i> ...	170	0	0			
<i>Inspector of Mines' Staff.</i>								
53	1	Inspector of Mines <i>a</i> ...	420	0	0			
		Carried forward ...	13755	0	0			

*a. Previously under "Salaries, Provisional and Temporary."*

*Appropriation.***MINISTER FOR MINES—(continued).**

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
<b>Mines—continued.</b>								
		Brought forward	...	13755	0	0		
<b>SALARIES, FIXED—continued.</b>								
<i>Goldfields Staff—continued.</i>								
<b>NORTH COOLGARDIE GOLDFIELD.</b>								
<i>Warden's Staff.</i>								
54	1	Warden, Menzies	...	600	0	0		
55	1	Mining Registrar, Menzies <i>a</i>	...	260	0	0		
56	1	Draftsman, Menzies <i>a</i>	...	260	0	0		
57	1	Clerk, Menzies <i>a</i>	...	200	0	0		
58	1	Mining Registrar, Kookynie <i>a</i>	...	235	0	0		
<i>Inspector of Mines' Staff.</i>								
59	1	Inspector of Mines <i>a</i>	...	350	0	0		
<b>NORTH-EAST COOLGARDIE GOLDFIELD.</b>								
<i>Warden's Staff.</i>								
60	1	Warden, Kanowna	...	600	0	0		
61	1	Mining Registrar, Kanowna <i>a</i>	...	270	0	0		
62	1	Mining Registrar, Bulong <i>a</i>	...	235	0	0		
<i>Inspector of Mines' Staff.</i>								
63	1	Inspector of Mines <i>a</i>	...	350	0	0		
<b>DUNDAS GOLDFIELD.</b>								
<i>Warden's Staff.</i>								
64	1	Warden, Norseman	...	600	0	0		
65	1	Mining Registrar, Norseman <i>a</i>	...	300	0	0		
<b>MOUNT MARGARET GOLDFIELD.</b>								
<i>Warden's Staff.</i>								
66	1	Warden, Mount Malcolm	...	600	0	0		
67	1	Mining Registrar do. <i>a</i>	...	260	0	0		
68	1	Draftsman do. <i>a</i>	...	270	0	0		
69	1	Clerk do. <i>a</i>	...	210	0	0		
70	1	Do. do. <i>a</i>	...	200	0	0		
71	1	Mining Registrar, Laverton <i>a</i>	...	260	0	0		
		Carried forward	...	19815	0	0		

*a* Previously under "Salaries, Provisional and Temporary."



*Appropriation.***MINISTER FOR MINES—(continued).**

Item No.	No. of Persons.	Mines—continued.	£	s.	d.	£	s.	d.
		Brought forward ...	19815	0	0			
		<b>SALARIES, FIXED—continued.</b>						
		<i>Goldfields' Staff—continued.</i>						
		<i>Inspector of Mines' Staff.</i>						
72	1	Inspector of Mines a ...	350	0	0			
		<b>MURCHISON GOLDFIELD.</b>						
		<i>Warden's Staff.</i>						
73	1	Warden, Cue ...	750	0	0			
74	1	Mining Registrar, Cue ...	300	0	0			
75	1	Assistant Mining Registrar, Cue a ...	210	0	0			
76	1	Mining Registrar, Mount Magnet a ...	260	0	0			
77	1	Mining Registrar, Nannine a ...	260	0	0			
		<i>Inspector of Mines' Staff.</i>						
78	1	Inspector of Mines a ...	350	0	0			
		<b>EAST MURCHISON GOLDFIELD.</b>						
79	1	Warden, Lawlers ...	550	0	0			
80	1	Mining Registrar, Lawlers a ...	250	0	0			
		<b>PEAK HILL GOLDFIELD.</b>						
81	1	Warden, Peak Hill ...	500	0	0			
		<b>PILBARRA GOLDFIELD.</b>						
82	1	Warden, Pilbarra ...	500	0	0			
83	1	Mining Registrar, Marble Bar a ...	260	0	0			
84	1	Do. Nullagine a b ...	250	0	0			
		<b>PHILLIPS RIVER GOLDFIELD.</b>						
85	1	Warden, Ravenshorpe ...	350	0	0			
		<b>YILGARN GOLDFIELD.</b>						
86	1	Warden, Southern Cross c ...	600	0	0			
87	1	Mining Registrar, Southern Cross a ...	225	0	0			
		<b>COLLIE COALFIELD.</b>						
88	1	Registrar, Collie, a ...	300	0	0			
		<b>GREENBUSHES TINFIELD.</b>						
89	1	Mining Registrar, Greenbushes a ...	110	0	0			
90	1	Assistant Mining Registrar, Greenbushes a ...	210	0	0			
91	1	Clerk, Greenbushes a ...	175	0	0			
		<i>Professional.</i>						
92	1	Inspecting and Field Surveyor, Eastern Goldfields ...	500	0	0			
93	1	Inspecting Surveyor, Central Goldfields ...	420	0	0			
94	1	Draftsman to Inspecting and Field Surveyor, Eastern Goldfields a ...	250	0	0			
95	1	Draftsman to Inspecting Surveyor, Central Goldfields a ...	240	0	0			
		Carried forward ...	27985	0	0			

a Previously under "Salaries, Provisional and Temporary."

b This item was increased by "Form I." to £250 during Financial Year 1900-1901.

c This Officer was transferred from Broad Arrow owing to the position of Warden being abolished on that field.

*Appropriation.***MINISTER FOR MINES—(continued).**

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
		<b>Mines—continued.</b>						
		Brought forward	27985	0	0			
		<b>SALARIES, PROVISIONAL AND TEMPORARY—</b> £26,516 11s. 8d.						
		<b>HEAD OFFICE.</b>						
		<i>Accountant's Branch.</i>						
96	1	Clerk <i>a</i> ...	70	0	0			
		<i>Correspondence Branch.</i>						
97	1	Clerk ...	60	0	0			
98	1	Clerk and Messenger ...	55	0	0			
99	1	Do. do. ...	45	0	0			
100	1	Do. do. ...	45	0	0			
101	1	Do. do. ...	45	0	0			
102	1	Cleaner, Head Office ...	55	0	0			
		<i>Draftsman's Branch.</i>						
103	1	Draftsman ...	180	0	0			
104	1	Plan Mounter ...	165	0	0			
105	1	Typographical Printer ...	160	0	0			
106	1	Junior Draftsman ...	55	0	0			
		<i>Registration Branch.</i>						
107	1	Clerk ...	155	0	0			
		<i>Statist's Branch.</i>						
108	1	Clerk ...	160	0	0			
109	1	Clerk and Messenger ...	50	0	0			
		<i>Survey Branch.</i>						
110	1	Junior Draftsman ...	95	0	0			
111	1	Do. ...	80	0	0			
		<b>GOLDFIELDS STAFF.</b>						
		<b>BROAD ARROW GOLDFIELD.</b>						
112	1	Caretaker, Broad Arrow (1 month at £52, 11 months at £39) ...	40	1	8			
		<b>COOLGARDIE GOLDFIELD.</b>						
		<i>Warden's Staff.</i>						
113	1	Caretaker and Cleaner, Coolgardie ...	100	0	0			
		<i>Inspector of Mines' Staff.</i>						
114	1	Clerk to Inspector of Mines <i>b</i> ...	25	0	0			
115	1	Attendant do. do. ...	160	0	0			
		Carried forward	29785	1	8			

<sup>a</sup> This item was increased to £60 by "Form I." during Financial Year 1900-1901."<sup>b</sup> Half salary paid by Steam Boilers Branch.

*Appropriation.***MINISTER FOR MINES—(continued).**

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
		<b>Mines—continued.</b>						
		Brought forward ...	29785	1	8			
		<b>SALARIES, PROVISIONAL AND TEMPORARY—continued.</b>						
		<i>Goldfields' Staff—continued.</i>						
		<b>EAST COOLGARDIE GOLDFIELD.</b>						
		<i>Warden's Staff.</i>						
116	1	Caretaker, Kalgoorlie ...	70	0	0			
		<i>Inspector of Mines' Staff.</i>						
117	1	Clerk to Inspector of Mines a ...	105	0	0			
		<b>NORTH COOLGARDIE GOLDFIELD.</b>						
		<i>Warden's Staff.</i>						
118	1	Clerk, Menzies ...	185	0	0			
119	1	Caretaker, Menzies ...	80	0	0			
		<i>Inspector of Mines' Staff.</i>						
120	1	Clerk to Inspector of Mines a ...	80	0	0			
		<b>NORTH-EAST COOLGARDIE GOLDFIELD.</b>						
		<i>Warden's Staff.</i>						
121	1	Assistant Mining Registrar, Kanowna ...	225	0	0			
122	1	Draftsman, Kanowna ...	52	0	0			
123	1	Caretaker and Messenger, Kanowna ...	80	0	0			
124	1	Caretaker, Bulong ...	20	0	0			
		<i>Inspector of Mines' Staff.</i>						
125	1	Clerk to Inspector of Mines a ...	95	0	0			
		<b>DUNDAS GOLDFIELD.</b>						
		<i>Warden's Staff.</i>						
126	1	Clerk, Norseman ...	225	0	0			
127	1	Caretaker, Norseman ...	39	0	0			
		<i>Inspector of Mines' Staff.</i>						
128	1	Clerk to Inspector of Mines ...	20	0	0			
		<b>GASCOYNE GOLDFIELD.</b>						
129	1	Deputy Mining Registrar, Bangemall ...	12	0	0			
		<b>KIMBERLEY GOLDFIELD.</b>						
130	1	Deputy Mining Registrar, Hall's Creek ...	40	0	0			
		Carried forward ...	31118	1	8			

a Half salary paid by Steam Boilers Branch

*Appropriation.***MINISTER FOR MINES—(continued).**

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
		<b>Mines—continued.</b>						
		Brought forward ...	31113	1	8			
		<b>SALARIES, PROVISIONAL AND TEMPORARY—continued.</b>						
		<i>Goldfields' Staff—continued.</i>						
		<b>MT. MARGARET GOLDFIELD.</b>						
		<i>Warden's Staff.</i>						
131	1	Caretaker, Mt. Malcolm ...	52	0	0			
132	1	Assistant Mining Registrar, Laverton ...	185	0	0			
133	1	Caretaker, Laverton <i>a</i> ...	39	0	0			
		<i>Inspector of Mines' Staff.</i>						
134	1	Clerk to Inspector of Mines <i>b</i> ...	92	10	0			
		<b>MURCHISON GOLDFIELD.</b>						
		<i>Warden's Staff.</i>						
135	1	Caretaker, Cue ...	60	0	0			
136	1	Caretaker, Mt. Magnet ...	26	0	0			
		<i>Inspector of Mines' Staff.</i>						
137	1	Clerk to Inspector of Mines <i>b</i> ...	95	0	0			
		<b>EAST MURCHISON GOLDFIELD.</b>						
138	1	Caretaker, Lawlers ...	24	0	0			
		<b>PEAK HILL GOLDFIELD.</b>						
139	1	Mining Registrar, Peak Hill ...	200	0	0			
140	1	Caretaker, do. ...	26	0	0			
		<b>PILBARRA GOLDFIELD.</b>						
141	1	Draftsman, Marble Bar ...	125	0	0			
142	1	Caretaker do. ...	36	0	0			
143	1	Deputy Mining Registrar, Bamboo Creek ...	12	0	0			
144	1	Do. do. Tambourah ...	12	0	0			
		<b>WEST PILBARRA GOLDFIELD.</b>						
145	1	Mining Registrar, Roebourne ...	50	0	0			
		<b>YALGOO GOLDFIELD.</b>						
146	1	Mining Registrar, Yalgoo ...	125	0	0			
		<b>YILGARN GOLDFIELD.</b>						
147	1	Caretaker, Southern Cross ...	27	0	0			
		Carried forward ...	32299	11	8			

*a* Previously paid from Temporary Labour Vote.*b* Half salary paid by Steam Boilers Branch.

*Appropriation.***MINISTER FOR MINES—(continued).**

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
		<b>Mines—continued.</b>						
		Brought forward ...	32299	11	8			
		<b>SALARIES, PROVISIONAL AND TEMPORARY—continued.</b>						
		<i>Goldfields' Staff—continued.</i>						
		<b>COLLIE COALFIELD.</b>						
148	1	Inspector of Mines, Collie ...	120	0	0			
		<b>NORTHAMPTON MINING DISTRICT.</b>						
149	1	Mining Registrar, Northampton ...	80	0	0			
		<b>DONNYBROOK GOLDFIELD.</b>						
150	1	Mining Registrar, Donnybrook ...	200	0	0			
		<b>GREENBUSHES TINFIELD.</b>						
151	1	Caretaker, Greenbushes ...	25	0	0			
		<b>PHILLIPS RIVER MINING DISTRICT.</b>						
152	1	Caretaker, Ravensthorpe ...	27	0	0			
		<i>Miscellaneous.</i>						
153	...	Temporary Clerical Assistance, Draftsmen, Relieving Officers, etc. ...	800	0	0			
154	...	Temporary Labour (including Survey Assistants, Axemen, Chainmen, Camel Drivers, Caretakers, and Cleaners, Messengers, Grooms, etc.) ...	950	0	0			
		<b>ALLOWANCES—£2,477.</b>						
155	1	Goldfield Allowance, Warden, East Coolgardie ...	150	0	0			
156	1	Do. do. do. Coolgardie ...	150	0	0			
157	1	Do. do. do. Murchison ...	150	0	0			
158	1	Do. do. do. Pilbarra ...	100	0	0			
159	1	Do. do. do. Yilgarn ...	100	0	0			
160	1	Do. do. do. North Coolgardie ...	100	0	0			
161	1	Do. do. do. North-East Coolgardie ...	100	0	0			
162	1	Do. do. do. Dundas ...	100	0	0			
163	1	Do. do. do. Mt. Margaret ...	100	0	0			
164	1	Do. do. do. East Murchison ...	100	0	0			
165	1	Do. do. do. Peak Hill ...	100	0	0			
166	1	Do. do. do. Phillips River ...	100	0	0			
167	1	Do. do. Acting Warden, Broad Arrow ...	50	0	0			
168	1	Do. do. Inspecting Surveyor, Central Goldfields ...	100	0	0			
		Carried forward ...	36001	11	8			

*Appropriation.***MINISTER FOR MINES—(continued).**

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
<b>Mines—continued.</b>								
		Brought forward	36001	11	8			
<i>Goldfields' Staff—continued.</i>								
<b>ALLOWANCES—continued.</b>								
169	...	Lodging Allowances for Subordinate Officers on Goldfields	750	0	0			
170	1	Travelling Allowance, Warden, Peak Hill	75	0	0			
171	1	Do. do. Yilgarn	52	0	0			
172	1	Travelling Allowance in lieu of Subsistence Allowance Acting Warden, Gascoyne	100	0	0			
<b>CONTINGENCIES—£23,100.</b>								
173	...	Incidental Expenses	900	0	0			
174	...	Water for Officers on Goldfields	500	0	0			
175	...	Transport	200	0	0			
176	...	Advertising	700	0	0			
177	...	Equipment, Conveyance, and Repairs	800	0	0			
178	...	Postage, Telegrams, and Telephone Rent	1900	0	0			
179	...	Stationery, Typewriters, etc.	750	0	0			
180	...	Surveys on Goldfields	500	0	0			
181	...	Travelling Expenses (of all Officers, including Wardens Inspecting Surveyors, and Inspectors of Mines, etc., at current rates per day respectively), also to include Allowance to Officers relieving	3700	0	0			
182	...	Survey of Leases, Areas, etc., and Refund of Survey Fees	8000	0	0			
183	...	Examination of Engine-drivers and Underground Surveyors, etc.	450	0	0			
184	...	Exemption Fees, refund of	400	0	0			
185	...	Fuel, Lighting, and Sanitary	400	0	0			
186	...	Bonus for Deep Sinking	1500	0	0			
187	...	Mining School	2000	0	0			
188	...	Reward to the widow and children of the late Mr. David Hay for the discovery of the Collie Coalfields	400	0	0			
<b>Public Batteries—£39,532 10s.</b>								
<b>SALARIES, FIXED—£567 10s.</b>								
189	1	Superintendent	425	0	0			
190	1	Clerk (9 months at £190)	142	10	0			
<b>SALARIES, PROVISIONAL AND TEMPORARY—£18,965.</b>								
191	1	Typewriter and Clerk <i>a</i>	65	0	0			
192	...	Temporary Labour	18900	0	0			
		Carried forward	79611	1	8			

*a* Half salary paid by Steam Rollers Branch.

*Appropriation.***MINISTER FOR MINES—(continued).**

Item No.	No. of Persons.		£	s.	d.	£	s.	d.
<b>Mines—continued.</b>								
		Brought forward ...	79611	1	8			
<i>Goldfields Staff—continued.</i>								
CONTINGENCIES—£20,000.								
193	...	General Supplies and Maintenance ...	15000	0	0			
194	...	Purchase of Tailings (to be recouped) ...	5000	0	0			
Steam Boilers Act—£4,258 16s. 8d.								
SALARIES, FIXED—£610.								
195	1	Chief Inspector of Boilers ...	400	0	0			
196	1	Clerk ...	210	0	0			
SALARIES, PROVISIONAL AND TEMPORARY—£2,148 16s. 8d.								
197	1	Clerk ...	130	0	0			
198	1	Do. ...	108	0	0			
199	1	Typewriter and Clerk <i>b</i> ...	65	0	0			
200	1	Assistant Inspector of Boilers, Perth ...	240	0	0			
201	1	Do. do. ...	240	0	0			
202	1	Do. do. ...	220	0	0			
203	1	Inspector of Boilers, East Coolgardie District ...	300	0	0			
204	1	Clerk to Inspector of Boilers, East Coolgardie District <i>d</i> ...	105	0	0			
205	1	Do. do. North Coolgardie District <i>d</i> ...	80	0	0			
206	1	Clerk to Inspector of Boilers, North-East Coolgardie District <i>d</i> ...	95	0	0			
207	1	Clerk to Inspector of Boilers, Mt. Margaret District <i>d</i> ...	92	10	0			
208	1	Do. do. Murchison District <i>d</i> ...	95	0	0			
209	1	Do. do. Coolgardie District <i>d</i> ...	25	0	0			
210-216	7	Inspectors of Boilers (6 at £40 per annum for 6 months, 1 at £40 per annum for 4 months) ...	133	6	8			
217	...	Temporary Clerical Assistance (including Draftsmen) ...	70	0	0			
218	...	Temporary Labour ...	150	0	0			
CONTINGENCIES—£1,500.								
219	...	Travelling Expenses ...	650	0	0			
220	...	Stationery, Typewriters, etc. ...	100	0	0			
221	...	Incidental Expenses ...	50	0	0			
222	...	Purchase of and Repairs to Instruments ...	50	0	0			
223	...	Postage, Telegrams, and Telephone Rent ...	300	0	0			
224	...	Equipment, Conveyance, and Repairs ...	300	0	0			
225	...	Advertising ...	50	0	0			
Total Mines ...			...			103869	18	4
Carried forward ...			...					

*b* Half salary paid by Public Batteries.*d* Half salary paid by Mines Department.

*Appropriation.*

## MINISTER FOR MINES—(continued).

Item No.	No. of Person.		£	s.	d.	£	s.	d.
		Brought forward	...			103869	18	4
<b>GEOLOGICAL SURVEY.</b>								
SALARIES, FIXED—£1,460.								
1	1	Government Geologist	650	0	0			
2	1	Mineralogist and Assayer	350	0	0			
3	1	a Draftsman	250	0	0			
4	1	Clerk and Accountant	210	0	0			
SALARIES, PROVISIONAL AND TEMPORARY—£1,400.								
5	1	Assistant Geologist	320	0	0			
6	1	Do. do.	275	0	0			
7	1	Field Assistant	150	0	0			
8	1	Laboratory Assistant	100	0	0			
9	1	Cadet	60	0	0			
10	1	Caretaker	60	0	0			
11	1	Messenger	35	0	0			
12	...	Temporary Labour—Axemen, Chainmen, Camp Assistants, etc.	400	0	0			
CONTINGENCIES—£1,310.								
13	...	Incidental Expenses	20	0	0			
14	...	Postage, Telephone Rent, and Telegrams	60	0	0			
15	...	Stationery, Typewriters, etc.	70	0	0			
16	...	Equipment of Library and Museum of Practical Geology	100	0	0			
17	...	Travelling Expenses, Transport, Forage, Field Equipment, etc.	800	0	0			
18	...	b Laboratory Expenses, including Purchase of and Repairs to Instruments, Chemicals, Water, Gas, etc.	230	0	0			
19	...	Fuel, Lighting, Sanitary and Water	30	0	0			
Total Geological Survey						4170	0	0
Total Minister for Mines						108039	18	4
Amount brought from Total to COMMISSIONER OF RAILWAYS						2364079	13	10
TOTAL						2472119	12	2

a Previously under Salaries, Provisional and Temporary

b Previously charged to Incidental Expenses.





*Appropriation.*

## SCHEDULE C.

GENERAL LOAN FUND FOR THE SERVICES OF THE YEAR ENDING  
30TH JUNE, 1902.

## SUMMARY.

Class.								£	s.	d.
I.	Departmental	...	...	...	...	...	...	66,230	0	0
II.	Railways and Tramways	..	...	...	...	...	...	848,115	17	1
III.	Harbour and River Improvements	...	...	...	...	...	...	213,908	8	6
IV.	Water Supply and Sewerage for Towns	...	...	...	...	...	...	14,000	0	0
V.	Coolgardie Water Supply	...	...	...	...	...	...	800,000	0	0
VI.	Development of Goldfields and Mineral Resources	...	...	...	...	...	...	55,750	11	11
VII.	Roads and Bridges	...	...	...	...	...	...	729	11	6
VIII.	Development of Agriculture	...	...	...	...	...	...	15,000	0	0
IX.	Immigration	...	...	...	...	...	...	3,820	16	9
X.	Miscellaneous (including charges and expenses of raising loans)	...	...	...	...	...	...	10,062	2	4
	Total	...	...	...	...	...	...	2,027,617	8	1

*Appropriation.*

## GENERAL LOAN FUND.

## ITEMS 1901-1902.

Item No.		£	s.	d.	£	s.	d.
CLASS I.							
DEPARTMENTAL.							
Perth Office.							
1	Shorthand Clerk	200	0	0			
2	Engineering Cadet, 3 months at £10 p.a.	22	10	0			
3	Do. do. 5 months at £90 p.a.	37	10	0			
4	Do. do. 4 months at £90 p.a.	30	0	0			
5	Do. do. 3 months at £90 p.a.	22	10	0			
6	Do. do. 4 months at £90 p.a.	30	0	0			
7	Do. do.	90	0	0			
8	Do. do.	90	0	0			
9	Do. do.	90	0	0			
10	Do. do. 9 months at £50 p.a.	37	10	0			
11	Clerk (Architectural Records)	130	0	0			
Construction of Railways.							
12	Engineer-in-Charge (also in charge Harbours and Rivers)	800	0	0			
13	District Engineer	400	0	0			
14	Resident do.	400	0	0			
15	Do. do.	300	0	0			
16	Assistant do.	*300	0	0			
17	Do. do.	200	0	0			
18	Do. do.	190	0	0			
19	Draftsman (Chief)	275	0	0			
20	Do. in charge	250	0	0			
21	Do.	160	0	0			
22	Do. junior	80	0	0			
23	Principal Clerk	230	0	0			
24	Clerk	200	0	0			
25	Do.	150	0	0			
26	Typist	120	0	0			
27	Supervisor and Works Manager	240	0	0			
28	Bookkeeper and Paymaster	200	0	0			
29	Storekeeper	200	0	0			
30	Draftsman	220	0	0			
31	Do.	220	0	0			
32	Do.	200	0	0			
33	Do. junior	150	0	0			
34	Clerk, junior	80	0	0			
35	Assistant Engineer, junior	150	0	0			
36	Do. do. 9 months at £150 p.a.	112	10	0			
37	Do. do. 8 months at £150 p.a.	100	0	0			
38	Do. do. 8 months at £150 p.a.	100	0	0			
39	Supervisor	200	0	0			
40	Clerk	190	0	0			
Additional Staff.							
41	Draftsman, 10 months at £200 p.a.	166	13	4			
42	Junior Clerk, 10 months at £100 p.a.	83	6	8			
43	Messenger, 10 months at £50 p.a.	41	13	4			
Carried forward				7489	3	4	

\* In receipt of an allowance of £100 per annum, which ceases as from 1st July, 1901,

*Appropriation.*GENERAL LOAN FUND—*continued.*

Item No.		£	s.	d.	£	s.	d.
	Brought forward ...	7489	3	4			
	<b>General Water Supply.</b>						
44	Engineer-in-Charge (also in charge of Roads and Bridges, and Metropolitan Sewerage and Water Supply) ...	700	0	0			
45	District Engineer ...	400	0	0			
46	Do. ...	400	0	0			
47	Do. ...	400	0	0			
48	Assistant Engineer ...	300	0	0			
49	Do. ...	300	0	0			
50	Do. ...	300	0	0			
51	Do. ...	240	0	0			
52	Do. ...	240	0	0			
53	Do. ...	240	0	0			
54	Draftsman (Chief) ...	275	0	0			
55	Draftsman ...	220	0	0			
56	Do. ...	180	0	0			
57	Chief Bookkeeper ...	200	0	0			
58	Clerk ...	210	0	0			
59	Do. ...	200	0	0			
60	Do. ...	190	0	0			
61	Do. Junior ...	90	0	0			
62	Do. ...	60	0	0			
63	Do. ...	250	0	0			
64	Supervisor ...	200	0	0			
65	Draftsman ...	200	0	0			
66	Do. ...	200	0	0			
67	Assistant Engineer (Junior), 7 months at £150 per annum ...	87	10	0			
	<b>Additions and Improvements to Opened Railways.</b>						
68	Draftsman ...	275	0	0			
69	Do. ...	220	0	0			
70	Do. (Architectural) ...	200	0	0			
71	Do. ...	200	0	0			
72	Do. 9 months at £200 per annum ...	150	0	0			
73	Do. ...	200	0	0			
74	Do. (Architectural) ...	190	0	0			
75	Do. (Engineering) ...	190	0	0			
76	Do. do. ...	180	0	0			
77	Do. (Junior) ...	130	0	0			
78	Surveyor ...	200	0	0			
79	Do. ...	200	0	0			
80	Clerk ...	170	0	0			
81	Do. ...	140	0	0			
82	Do. (junior) ...	90	0	0			
	<b>Metropolitan (Perth and Fremantle) Sewerage and Water Supply.</b>						
	Engineer-in-Charge (also in charge of Roads and Bridges and General Water Supply) ...	250	0	0			
83	Assistant Engineer ...	240	0	0			
84	Do. ...	150	0	0			
85	Do. Junior ...	250	0	0			
86	Principal Clerk ...	200	0	0			
87	Clerk ...	100	0	0			
88	Do. ...	220	0	0			
89	Supervisor ...						
	Carried forward ...	17716	13	4			

*Appropriation.*GENERAL LOAN FUND—*continued.*

Item No.		£	s.	d.	£	s.	d.
	Brought forward ... ..	17716	13	4			
<b>Construction of Telegraphs.</b>							
<i>(Administered by Post and Telegraph Department.)</i>							
90	Supervisor, 1 month at £300 per annum ... ..	25	0	0			
<b>Fremantle Harbour Works.</b>							
91	Resident Engineer ... ..	700	0	0			
92	Assistant do. ... ..	400	0	0			
93	Draftsman ... ..	250	0	0			
94	Do. ... ..	235	0	0			
95	Do. ... ..	170	0	0			
96	Surveyor ... ..	300	0	0			
97	Assistant Surveyor ... ..	190	0	0			
98	Master, Dredge "Fremantle" ... ..	336	0	0			
99	Mate do. do. ... ..	240	0	0			
100	Chief Engineer, Dredge "Fremantle" ... ..	312	0	0			
101	Second do. do. ... ..	228	0	0			
102	Engineer and Master, "Premier" ... ..	336	0	0			
103	Navigating Officer do. ... ..	300	0	0			
104	Second Engineer do. ... ..	228	0	0			
105	Master, Dredge "Parmelia" ... ..	336	0	0			
106	Mate do. 11 months at £240 p.a. ... ..	220	0	0			
107	Chief Engineer do. ... ..	312	0	0			
108	Second do. do. ... ..	228	0	0			
109	Master of Tug "Pelican," 2 months at £275 p.a. ... ..	45	16	8			
110	Chief Engineer do. 2 months at £264 p.a. ... ..	44	0	0			
111	Workshops Manager ... ..	350	0	0			
112	Accountant ... ..	250	0	0			
113	Clerk, Returns and Correspondence ... ..	225	0	0			
114	Do. Accounts ... ..	200	0	0			
115	Do. Property ... ..	190	0	0			
116	Do. Accounts ... ..	180	0	0			
117	Do. Store ... ..	190	0	0			
118	Do. do. ... ..	170	0	0			
119	Assistant Returns Clerk ... ..	190	0	0			
120	Storekeeper ... ..	275	0	0			
121	Assistant Engineer and Cement Tester ... ..	300	0	0			
122	Do. do. junior, 10 months at £150 p.a. ... ..	125	0	0			
123	Clerk, 7 months at £190 p.a. ... ..	110	16	8			
<b>Harbours and Rivers.</b>							
124	Resident Engineer ... ..	325	0	0			
125	Draftsman ... ..	200	0	0			
126	Do. ... ..	200	0	0			
127	Do. ... ..	156	10	0			
128	Engineer and Master "Governor" ... ..	336	0	0			
129	Navigating Officer do. ... ..	300	0	0			
130	Second Engineer do. ... ..	228	0	0			
131	Assistant Engineer ... ..	225	0	0			
<b>Lighthouses.</b>							
<i>Provision for Additional Staff.</i>							
132	Draftsman, 10 months at £200 p.a. ... ..	166	13	4			
133	Supervisor, 10 months at £200 p.a. ... ..	166	13	4			
134	Do. 10 months at £200 p.a. ... ..	166	13	4			
135	Clerk, 10 months at £150 p.a. ... ..	125	0	0			
	Carried forward ... ..	28503	16	8			

\* In receipt of a special allowance of £150 per annum, pending appointment of a Resident Engineer.

*Appropriation.*GENERAL LOAN FUND—*continued.*

Item No.		£	s.	d.	£	s.	d.
	Brought forward ... ..	28,503	16	8			
	<b>Coolgardie Water Supply.</b>						
136	Engineer-in-Charge ... ..	800	0	0			
137	Resident Engineer ... ..	500	0	0			
138	Do. unattached ... ..	875	0	0			
139	Assistant Engineer ... ..	300	0	0			
140	Do. ... ..	275	0	0			
141	Do. ... ..	275	0	0			
142	Do. ... ..	265	0	0			
143	Do. ... ..	250	0	0			
144	Do. ... ..	210	0	0			
145	Do. ... ..	225	0	0			
146	Do. ... ..	225	0	0			
147	Do. ... ..	225	0	0			
148	Do. ... ..	225	0	0			
149	Do. junior ... ..	185	0	0			
150	Mechanical Engineer ... ..	240	0	0			
151	Architect ... ..	300	0	0			
152	Travelling Inspector ... ..	313	0	0			
153	Draftsman (Supervising) ... ..	260	0	0			
154	Do. ... ..	210	0	0			
155	Do. ... ..	200	0	0			
156	Do. ... ..	190	0	0			
157	Do. ... ..	190	0	0			
158	Do. ... ..	190	0	0			
159	Do. ... ..	180	0	0			
160	Do. ... ..	140	0	0			
161	Do. ... ..	140	0	0			
162	Mechanical Draftsman ... ..	210	0	0			
163	Engineering Surveyor, 9 months at £313 p.a. ... ..	235	0	0			
164	Assistant Surveyor ... ..	240	0	0			
165	Computer ... ..	200	0	0			
166	Principal Clerk ... ..	275	0	0			
167	Technical Clerk ... ..	250	0	0			
168	Bookkeeper ... ..	240	0	0			
169	Clerk (Record Stores and Contract) ... ..	220	0	0			
170	Do. (Record) ... ..	200	0	0			
171	Do. ... ..	190	0	0			
172	Do. ... ..	190	0	0			
173	Do. ... ..	170	0	0			
174	Do. ... ..	180	0	0			
175	Do. ... ..	180	0	0			
176	Do. ... ..	180	0	0			
177	Do. ... ..	180	0	0			
178	Do. ... ..	180	0	0			
179	Do. ... ..	170	0	0			
180	Do. ... ..	170	0	0			
181	Do. ... ..	150	0	0			
182	Do. ... ..	160	0	0			
183	Junior Clerk ... ..	60	0	0			
184	Typist ... ..	130	0	0			
185	Supervisor ... ..	200	0	0			
186	Do. ... ..	200	0	0			
187	Do. ... ..	180	0	0			
188	Do. ... ..	180	0	0			
189	Works Manager ... ..	520	0	0			
190	Assistant Works Manager, 7 months at £28 per week ... ..	250	0	0			
191	Clerk ... ..	150	0	0			
	Carried forward ... ..	41,431	16	8			

*Appropriation.***GENERAL LOAN FUND—continued.**

Item No.							£	s.	d.	£	s.	d.
					Brought forward	...	41,431	16	8			
					<b>Provision for Additional Staff.</b>							
192	Assistant Engineer	...	...	...	...	...	250	0	0			
193	Do. do.	...	...	...	...	...	250	0	0			
194	Mechanical do.	...	...	...	...	...	200	0	0			
195	Draftsman	...	...	...	...	...	180	0	0			
196	Do.	...	...	...	...	...	180	0	0			
197-8	Supervisors (2), at £190 for six months	...	...	...	...	...	190	0	0			
198-202	Do. (4), do. five do.	...	...	...	...	...	316	13	4			
203	Junior Clerk	...	...	...	...	...	50	0	0			
204	Messenger	...	...	...	...	...	125	0	0			
					<b>Engineering Surveys.</b>							
205	Inspector Engineering Surveys	...	...	...	...	...	700	0	0			
206	Chief Assistant to Inspector of Engineering Surveys	...	...	...	...	...	450	0	0			
207	Do. do.	...	...	...	...	...	350	0	0			
208	Do. do.	...	...	...	...	...	274	0	0			
209	Chief Land Resumption Surveyor	...	...	...	...	...	350	0	0			
210	Land Resumption Surveyor	...	...	...	...	...	275	0	0			
211	Assistant Surveyor	...	...	...	...	...	260	0	0			
212	Do. do.	...	...	...	...	...	240	0	0			
213	Do. do.	...	...	...	...	...	200	0	0			
214	Do. Engineering Surveyor	...	...	...	...	...	260	0	0			
215	Do. do.	...	...	...	...	...	260	0	0			
216	Draftsman, Chief	...	...	...	...	...	300	0	0			
217	Do.	...	...	...	...	...	200	0	0			
218	Do.	...	...	...	...	...	200	0	0			
219	Do.	...	...	...	...	...	200	0	0			
220	Do. and Land Resumption Surveyor	...	...	...	...	...	200	0	0			
221	Do.	...	...	...	...	...	200	0	0			
222	Do.	...	...	...	...	...	190	0	0			
223	Do.	...	...	...	...	...	180	0	0			
224	Do. Junior	...	...	...	...	...	90	0	0			
225	Clerk, Principal and Accounts	...	...	...	...	...	225	0	0			
226	Do. (Correspondence)	...	...	...	...	...	200	0	0			
227	Plan Moulder	...	...	...	...	...	190	0	0			
228	Messenger	...	...	...	...	...	125	0	0			
229	Draftsman, Junior	...	...	...	...	...	70	0	0			
					<b>Stores.</b>							
230	Stores Manager	...	...	...	...	...	325	0	0			
231	Clerk	...	...	...	...	...	210	0	0			
232	Do.	...	...	...	...	...	210	0	0			
233	Do.	...	...	...	...	...	200	0	0			
234	Do.	...	...	...	...	...	200	0	0			
235	Do.	...	...	...	...	...	190	0	0			
236	Do.	...	...	...	...	...	190	0	0			
237	Do.	...	...	...	...	...	180	0	0			
238	Do.	...	...	...	...	...	180	0	0			
239	Do.	...	...	...	...	...	170	0	0			
240	Do.	...	...	...	...	...	170	0	0			
241	Do.	...	...	...	...	...	160	0	0			
242	Do.	...	...	...	...	...	150	0	0			
243	Messenger	...	...	...	...	...	70	0	0			
244	Do.	...	...	...	...	...	50	0	0			
245	Junior Clerk	...	...	...	...	...	40	0	0			
	<b>Total Salaries</b>	...	...	...	...	...	£52,057	10	0			
	<b>Carried forward</b>	...	...	...	...	...	£52,057	10	0			

*Appropriation.*GENERAL LOAN FUND—*continued.*

Item No.		£	s.	d.	£	s.	d.
	Brought forward ... ..	52,067	10	0			
246	Temporary Assistance for all Branches ... ..	1000	0	0			
247	Allowance to Acting Resident Engineer, Fremantle Harbour Works, pending appointment of a Resident Engineer—£150 per annum, payable monthly—from 18th February, 1901, to 30th June, 1901 ...	55	0	0			
248	Do. do. do. from 1st July, 1901 ... ..	150	0	0			
249	Allowances and Travelling Expenses ... ..	3750	0	0			
250	Allowances to Supervisors when in an Administrative Capacity ...	240	0	0			
251	Compassionate Allowance to Relatives of late W. H. Ochiltree—three months' salary at £210 p.a. ... ..	52	10	0			
252	Postage and Telephone Rents ... ..	750	0	0			
253	Advertising ... ..	500	0	0			
254	Incidental Expenses ... ..	500	0	0			
255	Telegrams and Cablegrams ... ..	1000	0	0			
256	Field Instruments and Repairs ... ..	400	0	0			
257	Departmental Stables—Wages, Forage, etc. ... ..	275	0	0			
258	Stationery ... ..	2000	0	0			
259	Railway Fares ... ..	3500	0	0			
	Total Departmental ... ..				66,230	0	0
	Carried forward ... ..				66,230	0	0



*Appropriation.*

## GENERAL LOAN FUND—continued.

Item No.		£	s.	d.	£	s.	d.
	Brought forward ... ..	...			66,230	0	0
	<b>CLASS II.</b>						
	<b>RAILWAYS AND TRAMWAYS:</b>						
260	*Geraldton to Murchison Goldfields Railway ... ..	25000	0	0			
261	*Southern Cross to Kalgoorlie Railway ... ..	448	0	6			
262	*Donnybrook towards Bridgetown Railway ... ..	275	16	11			
263	*Menzies Railway ... ..	4388	1	0			
264	*Kanowna Railway ... ..	787	13	5			
265	Kalgoorlie Boulder Railway ... ..	1060	12	10			
266	*Greenhills Railway ... ..	100	0	0			
267	*Boulder Railway, Duplication (Construction) ... .. (Administered by Railway Department.)	280	18	7			
268	Boulder-Brown Hill Loop Line ... ..	12000	0	0			
269	*Menzies to Leonora Railway ... ..	90000	0	0			
270	*Northam towards Goomalling Railway ... ..	10799	13	10			
271	*Additions and Improvements to Opened Railways ... ..	95000	0	0			
272	*Railway Workshops ... ..	50000	0	0			
273	Rails and Fastenings ... ..	200000	0	0			
274	Rolling Stock ... ..	350000	0	0			
275	Surveys New Lines ... ..	8000	0	0			
	Total Railways and Tramways ... ..	...			848,115	17	1
	<b>CLASS III.</b>						
	<b>HARBOUR AND RIVER IMPROVEMENTS:</b>						
276	Fremantle Harbour Works (including Wharf Sheds) ... ..	150000	0	0			
277	Fremantle Dock and Slip ... ..	1000	0	0			
278	Bunbury Breakwater, Completion of ... ..	202	4	10			
279	Bunbury Harbour Works ... ..	4000	0	0			
280	Carnarvon Jetty ... ..	150	0	0			
281	Carnarvon Harbour Works, etc. ... ..	2250	0	7			
282	Point Sampson, near Cossack, Stock Jetty and Approaches ... ..	1000	0	0			
283	Port Hedland Jetty and Approach Road ... ..	15	15	4			
284	Wyndham Jetty ... ..	100	0	0			
285	Bunbury Jetty ... ..	55	13	0			
286	Albany Harbour Works ... ..	20000	0	0			
287	Busselton Harbour Works ... ..	646	8	10			
288	Ashburton Jetty ... ..	305	15	11			
289	Ashburton River Water Supply ... ..	2990	4	0			
290	Improvements to Harbours and Rivers ... ..	9000	0	0			
291	Lighthouse at Cape Leeuwin ... ..	61	15	5			
292	Lighthouses ... ..	16000	0	0			
293	Dredges and Barges ... ..	2000	0	0			
294	Derby Harbour Works ... ..	4130	10	7			
	Total Harbour and River Improvements ... ..	...			213,906	8	6
	<b>CLASS IV.</b>						
	<b>WATER SUPPLY AND SEWERAGE FOR TOWNS:</b>						
295	Water Supply for Towns ... ..	11000	0	0			
296	Sewerage for Perth and Fremantle ... ..	3000	0	0			
	Total Water Supply and Sewerage for Towns ... ..	...			14,000	0	0
	Carried forward ... ..	...			1,142,254	5	7

\* Exclusive of rails and fastenings, and rolling-stock.

*Appropriation.*GENERAL LOAN FUND—*continued.*

Item No.		£	s.	d.	£	s.	d.
	Brought forward ... ..	...			1,142,254	5	7
	CLASS V.						
	COOLGARDIE WATER SCHEME :						
297	Construction of Pipe Main from Helena Reservoir to Coolgardie with Main Reservoir in Helena River, and Pumping Stations at intervals; also Eight Sets of Pumping Engines and Buildings in connection therewith; also Receiving Tanks at Pumping Stations, and intermediate Stations, and Service Reservoirs at Coolgardie and Kalgoorlie ... ..	700000	0	0			
298	Distributing Mains (including Trenching, Laying, and Jointing, etc.), averaging, say, 12in. diameter ... ..	100000	0	0			
	Total Coolgardie Water Scheme ... ..	...			800,000	0	0
	CLASS VI.						
	DEVELOPMENT OF GOLDFIELDS AND MINERAL RESOURCES :						
299	Eastern Goldfields ... ..	12000	0	0			
300	Kimberley District ... ..	500	0	0			
301	Murchison and Peak Hill Goldfields ... ..	4000	0	0			
302	Pilbarra Goldfields ... ..	3500	0	0			
303	Development of Mining on other Goldfields, also Boring for Coal, and Miscellaneous ... ..	15000	0	0			
304	Other Goldfields (including Boring for Coal and Miscellaneous) ... ..	722	16	11			
305	Development, generally ... ..	27	15	0			
306	Erection Public Batteries ... .. (Administered by Mines Department.)	20000	0	0			
	Total Development of Goldfields and Mineral Resources ... ..	...			55,750	11	11
	CLASS VII.						
307	ROADS AND BRIDGES ... ..	729	11	6			
	CLASS VIII.						
308	DEVELOPMENT OF AGRICULTURE ... .. (Administered by Lands Department.)	15000	0	0	15,000	0	0
	CLASS IX.						
309	IMMIGRATION ... .. (Administered by Colonial Secretary's Department.)	3820	16	9	3,820	16	9
	CLASS X.						
310	MISCELLANEOUS (INCLUDING CHARGES AND EXPENSES OF RAISING LOANS) ... .. (Administered by Treasury Department.)	10082	2	4	10,082	2	4
	TOTAL ... ..	...			2,027,617	8	1





## Western Australia.

ANNO PRIMO ET SECUNDO

EDWARDI VII. REGIS.

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No. II.

AN ACT to amend the Wines, Beer, and Spirit Sale Act, 1880.

*[Assented to, 19th February, 1902.]*

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. THIS Act may be cited as the Wines, Beer, and Spirit Sale Amendment Act, 1902.

Short title.

2. A LICENSE may be granted under the Wines, Beer, and Spirit Sale Act, 1880 (hereinafter called the principal Act), to be called a Two-gallon license.

Two-gallon license.

3. ALL the provisions of the principal Act and any amendment thereof relating to a gallon license shall apply to a two-gallon license, the words "two gallons" being read in place of "gallon," and in the form of license the word "premises" being read in place of the words "shop or rooms."

Application of 44  
Vict., No. 9, to two-  
gallon licenses.

4.

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*Wines, Beer, and Spirit Sale—Amendment.*

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Current gallon  
licenses held by  
brewers to be deemed  
two-gallon licenses.

4. EVERY gallon license already granted for the current year to any person licensed to make beer, pursuant to the Beer Excise Act, 1901, shall be deemed to be a two-gallon license.

In the name and on behalf of the King I hereby assent  
to this Act.

ARTHUR LAWLEY; Governor.



## Western Australia.

ANNO PRIMO ET SECUNDO

EDWARDI VII. REGIS.

\*\*\*\*\*

### No. III.

AN ACT to provide for the establishing of Lock-ups as Police Gaols, and to amend the law relating to Gaols, Prisons, and Houses of Correction.

[Assented to, 19th February, 1902.]

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. THIS Act may be cited as the Gaols Acts Amendment Act, 1902, and shall be read and construed as one with Acts 12 Victoriae, No. 7, 21 Victoriae, No. 12, and 58 Victoriae, No. 10.

Short title and  
incorporation of 12  
Vict., No. 7, 21  
Vict., No. 12, and 58  
Vict., No. 10.

2. THE Governor may, by notice in the *Government Gazette*, declare any lock-up, or place used for the reception or detention of accused persons before trial, to be a police gaol, and thereupon such lock-up or place shall be a police gaol within the meaning of this Act.

Lock-ups may be  
proclaimed as police  
gaols.

3.

*Gaols Act—Amendment.*

Court may commit to police gaols for terms not exceeding three calendar months instead of to public gaols, etc.

3. (1.) ANY Court or person having jurisdiction to commit any person to gaol or prison or to a house of correction for imprisonment with or without hard labour may, subject to the next subsection, commit such person to and direct his sentence to be served in a police gaol.

(2.) No person shall be committed to a police gaol whose sentence exceeds three months.

(3.) This section shall apply to any person committed for contempt of Court should the Court so direct.

Sheriff to have control of persons committed to police gaols.

4. IN relation to all persons imprisoned in a police gaol under the last preceding section, such police gaol shall for all purposes be deemed a public gaol or prison, and the Sheriff shall, subject to the control of the Governor, have the charge, care, and direction of all such persons.

Reference to section 2 of Act of 1894.

5. IN section two of the Colonial Prisoners Removal Act, 1894, the word "gaol" shall include a police gaol.

Keepers of police gaols to be appointed and to retain office in the same manner and on same conditions as keepers of public gaols.

6. (1.) KEEPERS of police gaols and their assistants, and all other persons required and employed for the safety and care of such gaols, shall be nominated and appointed in accordance with section three of 12 Victoriae, No. 7, and shall hold and retain their respective offices on conditions similar to those on which keepers of public gaols and their assistants, and other persons employed therein, hold and retain office, and shall enjoy the same privileges, immunities, perform the same duties, and exercise the same powers in relation to persons imprisoned as aforesaid in police gaols.

(2.) Any keeper, assistant, or other person appointed under this section may, in addition to his duties as such, be a keeper of or an assistant or person employed in a lock-up.

Sheriff to be deemed keeper of police gaols for purposes of *habeas corpus* during vacancies in office of such keeper.

7. UNTIL the appointment of a keeper of any police gaol, and during any vacancy in the office, the Sheriff shall be deemed to be the keeper of such police gaol for the purposes of any application for a writ of *habeas corpus* or other proceedings to obtain the discharge from custody of any person committed to or imprisoned in any police gaol under section three.

Police gaols still to remain lock-ups.

8. NOTWITHSTANDING that any lock-up or place as aforesaid is declared a police gaol, the same shall continue to be and to be used as a lock-up for any purpose for which the same might have been or was used before such declaration; and in relation to all accused persons from time to time in custody therein awaiting trial, the same shall for all purposes be deemed a lock-up only.

9.

*Gaols Act—Amendment.*

9. (1.) THIS Act shall not affect the immediate control of the Commissioner of Police over lock-ups which are declared to be police gaols, and over the management of the same and the officers employed thereat, so far as such control and management and officers relate to accused persons before trial, and the use and management of the police gaol as a lock-up.

Commissioner of Police to retain immediate control of lock-ups.

(2.) Any question arising out of any conflict or apparent conflict of the respective powers and authorities of the Sheriff and the Commissioner of Police in relation to any lock-up or police gaol, or in relation to any person employed thereat or confined therein, shall be decided by the Colonial Secretary.

Any question between Sheriff and Commissioner to be decided by Colonial Secretary.

10. (1.) EVERY period of time during which a prisoner shall be away from lawful custody and restraint, without lawful permission or excuse, shall be included in computing the unexpired amount of such prisoner's sentence, and every such prisoner shall serve the full term of his sentence as if such periods of time had been originally added to and formed part of his sentence.

Time during every period which prisoners unlawfully at large to be excluded in computing sentences.

(2.) Except as aforesaid, this section shall not affect such prisoners liable to be punished by further imprisonment or otherwise, for breaking gaol or otherwise being away from lawful custody.

11. (1.) ALL laws and regulations affecting the discipline and conduct of persons sentenced to penal servitude or imprisonment, and all penalties for breaches of or offences against such laws and regulations, shall bind and affect such persons until *de facto* released from custody.

Prisoners sentenced within gaols for breaches of prison regulations to undergo punishment so ordered notwithstanding expiry of original sentence.

(2.) Any person who, before being actually released as aforesaid, does any act or thing which would, if committed by a prisoner whose sentence was unexpired, render such prisoner liable to any punishment whatsoever, under any such law or regulation, shall be liable to receive and undergo within the gaol, prison, police gaol, or house of correction in which such person is incarcerated, the same punishment as if his sentence or sentences had remained unexpired at the time he did such act or thing.

(3.) A prisoner who is charged with any breach of or offence against any such law or regulation, and whose sentence expires within ten days of such charge and before the same can be heard, shall continue in custody until the same has been heard and the punishment awarded (if any) undergone.

(4.) A prisoner who is sentenced to or undergoing any punishment for a breach of any such law or regulation at the time the sentence on which he was incarcerated expires shall nevertheless undergo or complete such punishment as the case may be.

(5.)



*Gaols Act—Amendment.*

(5.) A prisoner within the operation of this section shall, until entitled to be released, be treated as if his original term of imprisonment were unexpired.

Guard, etc., may fire on prisoner in certain cases.

**12.** ANY guard, gaoler, warder, police officer, constable, or other person lawfully charged with the custody of any prisoner under sentence of death or penal servitude or imprisonment for any term, may fire upon any such prisoner while attempting to escape from any prison or from any road-party or other place of work, or while attempting to assault any guard, gaoler, warder, police officer, police constable, or other person aforesaid, or any other prisoner: Provided that such firing shall appear to be necessary to prevent the escape of such prisoner, or, as the case may be, that the assault committed or attempted by such prisoner was of a character apparently dangerous to the life or likely to cause bodily harm to the person assaulted or threatened.

Regulations to include superintendent of prisons.

**13.** IN any regulation made or to be made under the Ordinance 12 Victoriæ, No. 7, or any Act or Ordinance amending the same, where the term gaoler is used, such term shall be read, unless the context forbids, as including the superintendent of any gaol, prison, or house of correction.

Debtors may be committed to police gaol.

**14.** COMMITMENTS under the provisions of the Debtors Act, 1871, may be made to any public gaol, prison, or house of correction, or police gaol, and the powers conferred upon the Governor to remove prisoners from any gaol, prison, house of correction, or police gaol may be exercised in relation to persons committed under the said Act.

Prisoner charged with any other offence may be brought up on order.

**15.** ANY prisoner charged with any offence not being the offence for which he is then in custody may, upon an order made by the Judge of the Court or the Justice or Justices before whom such charge is to be tried or heard, be brought up to answer such charge without a writ of *habeas corpus*.

Person in custody required to give evidence may be brought up on order.

**16.** WHEN any person is detained in any gaol under sentence or awaiting trial, or on remand for any offence, or for any other lawful cause, and an inquiry, inquest, or inquisition is pending before a coroner at which it is deemed necessary that such person should be present, the coroner or deputy coroner before whom such inquiry, inquest, or inquisition is to be held may issue an order directing the attendance of such person at a time and place to be mentioned in the order.

17.

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*Gaols Act—Amendment.*

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17. EVERY person brought up under any order issued under either of the two preceding sections shall be deemed to be in the legal custody of the police constable, gaoler, or the officer having the temporary custody of such person and acting under such order, who shall in due course return the person into the custody from which the person shall have been so brought up.

Persons brought up  
as aforesaid to be  
returned to custody.

In the name and on behalf of the King I hereby assent  
to this Act.

ARTHUR LAWLEY, Governor.





## Western Australia.

### ANNO PRIMO ET SECUNDO EDWARDI VII. REGIS.

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#### No. IV.

AN ACT to authorise the Governor to exchange Perth Suburban Lots 270, 271, 272, and 273 for Swan Locations 118 and 119.

*[Assented to, 19th February, 1902.]*

**W**HEREAS Perth Suburban Lots 270, 271, 272, and 273 are reserved for the purpose of public recreation, and as such reserves are classified as of Class A: And whereas it is desirable to exchange such lands for Swan Locations 118 and 119: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. IT shall be lawful for the Governor to exchange Perth Suburban Lots 270, 271, 272 and 273 for Swan Locations 118 and 119.

Power to exchange  
certain reserved  
lands.

In the name and on behalf of the King I hereby assent  
to this Act.

ARTHUR LAWLEY, Governor.





## Western Australia.

ANNO PRIMO ET SECUNDO

EDWARDI VII. REGIS.

\*\*\*\*\*

No. V.

AN ACT to amend the Law with respect to Compensation to Workers for Accidental Injuries suffered in the course of their Employment.

[Assented to, 19th February, 1902.]

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1.) THE short title of this Act is the Workers' Compensation Act, 1902. Short title.

(2.) This Act shall commence on a date to be fixed by the Governor by Order in Council, not being earlier than the first day of January, One thousand nine hundred and two, except as to section eighteen hereof, which shall come into operation on the passing hereof. Commencement.

2.

*Workers' Compensation.*

## Interpretation.

## 2. (1.) IN this Act, if not inconsistent with the context,—

“Dependants” means such members of a worker’s family, specified in the First Schedule hereto, as at the time of his death were wholly or in part dependent on his earnings;

“Employer” includes persons, firms, companies, and corporations employing workers, and the legal representatives of a deceased employer;

“Engineering Work” means any work of construction or alteration or repair of a railroad, harbour, dock, canal, sewer, or tunnel, telegraph, telephone, or electric power, and includes any other work for the construction, alteration, or repair of which machinery driven by steam, water, or other mechanical power is used.

“Factory” means any manufactory, workshop, workroom, or premises wherein or whereon manual labour is exercised for the purpose of gain in or incidental to the making, altering, or repairing any article by way of trade or for purpose of gain or for sale, and includes any ship or boat in port, dock, wharf, quay, or warehouse, so far as relates to machinery and plant used in the process of loading or unloading therefrom or thereto, and every laundry worked by steam, water, or other mechanical power.

“Injury” means personal injury or loss of life by accident arising out of and in course of employment, or injury to health or loss of life arising out of or consequent upon any employment declared by proclamation to be dangerous to health or dangerous to life or limb: Provided that no such proclamation shall issue except on addresses of both Houses of Parliament.

“Proclamation” means proclamation by the Governor in the *Government Gazette*.

“Worker” means a person of any age or sex who is engaged under contract with an employer (made before or after the commencement of this Act) in any employment to which this Act applies, whether the agreement is one of service, apprenticeship, or otherwise, and whether the employment is on land, or on any ship or vessel (of whatsoever kind and howsoever propelled) in any navigable or other waters within Western Australia or the jurisdiction thereof.

(2.) Any reference to a worker who has been injured shall, where he is dead, include a reference to his legal personal representatives, or to his dependants or other person to whom compensation is payable.

*Workers' Compensation.*

**3.** THIS Act shall apply to workers engaged by the Government of Western Australia in any employment by or under the Crown within that State, and to which this Act would apply if the employer were a private person.

Application to  
workers in employ-  
ment of Crown.

Provided that all sums payable under this Act by or on behalf of the Crown shall be payable out of moneys to be appropriated by Parliament.

**4.** THIS Act applies only to injuries of workers employed by employers—

Employments to  
which Act applies.

- (1.) On or in or about any railway, waterwork, tramway, electric lighting work, factory, mine, quarry, or engineering or building work:
- (2.) On or in or about any employment declared by proclamation to be dangerous or injurious to health or dangerous to life or limb: Provided that no such proclamation shall issue except pursuant to addresses from both Houses of Parliament.

**5.** THE employer shall not be liable in respect of any injury which—

Cases in which  
employer not liable.

- (a.) Does not disable the worker for a period of at least two weeks from earning full wages at the work at which he was employed; or
- (b.) Is directly attributable to the serious and wilful misconduct of the worker.

**6.** IF, in any employment as aforesaid, personal injury by accident arising out of and in the course of the employment is caused to a worker, his employer shall, subject as hereinafter mentioned, be liable to pay compensation in accordance with the Second Schedule hereto.

Liability for injuries  
to workers.

**7.** (1.) NOTHING herein shall affect any civil liability of the employer independently of this Act where the injury is caused by the negligence of the employer or of some person for whose act or default the employer is responsible.

Worker may claim  
compensation under  
this Act or take  
independent proceed-  
ings.

(2.) The worker may claim compensation under this Act or take the same proceedings as are open to him independently of this Act; but the employer shall not be liable to pay compensation independently of and also under this Act.

**8.** (1.) IF any question arise as to liability to pay compensation under this Act, or as to the amount or duration of such compensation, the question, if not settled by agreement, shall, subject

Mode of settling  
questions arising  
under Act.

to



*Workers' Compensation.*

to the provisions of the Second Schedule hereto, be heard and determined by the Local Court of the district within which the injury happens; and for all such purposes jurisdiction is hereby conferred upon such Court.

(2.) For the hearing and determination of such question, the Magistrate shall sit with two assessors appointed in the manner prescribed by regulation; and the decision of a majority of such three persons shall be the decision of the Court.

(3.) Should an assessor neglect or fail to attend any sitting of the Court, those present may proceed in his absence.

(4.) In respect of all interlocutory proceedings, the Magistrate alone may exercise all authority and jurisdiction which is conferred upon him by the Small Debts Ordinance, 1863, or any amendment thereof, in the same manner as if the proceeding under this Act arose within the ordinary jurisdiction of the Local Court.

Procedure when  
action wrongly  
brought indepen-  
dently of Act.

9. IF, within the time limited by section eleven, an action is brought to recover compensation, independently of this Act, and it is determined in such action that the injury is one for which the employer is not liable in such action, but that he would have been liable to pay compensation under this Act, the Court in which the action is tried shall assess such compensation, and shall deduct therefrom all the costs which have been caused by the plaintiff bringing the action instead of taking proceedings under this Act, and shall enter judgment accordingly.

Proceedings for fines  
not affected.

10. NOTHING in this Act shall affect any proceeding for, or the application of any fine under any Act; but if such fine, or any part thereof, is applied for the benefit of the person injured, the amount applied shall be taken into account in estimating the compensation under this Act.

Time within which  
notice to be given  
and claim made.

11. (1.) PROCEEDINGS under this Act for the recovery of compensation shall not be maintainable unless—

(a.) Notice of the accident has been given as soon as practicable after the happening thereof, and before the worker has voluntarily left the employment in which he was injured; and

(b.) The claim for compensation with respect to such accident has been made within six months after the occurrence of the accident, or, in case of death, within six months after the time of death:

(2.) A worker shall not be deemed to have voluntarily left the employment in any case where by reason of the accident he is unable to continue in the employment;

(3.)

*Workers' Compensation.*

(3.) The want of or any defect or inaccuracy in any notice shall not be a bar to the maintenance of such proceedings, if it is found by the Court, when settling the claim, that the employer is not prejudiced in his defence by such want, defect, or inaccuracy, or that the same was occasioned by mistake or other reasonable cause.

**12.** WITH respect to such notice, the following provisions shall apply:—

Form and service of notice.

- (1.) The notice may be signed by the worker injured or by any of his dependants, or by any person on behalf of the worker or his dependants.
- (2.) The notice shall give the name and address of the person injured, and shall state in ordinary language the cause and nature of the injury, and the date and locality at which it was sustained, and shall be served on the employer, or if there is more than one employer upon any one of them.
- (3.) The notice may be served by post by a registered letter addressed to the person on whom it is to be served at his last known place of residence or place of business.
- (4.) The notice, if served by post, shall be deemed to have been served at the time when the letter containing the same would have been delivered in the ordinary course of post; and in proving the service, it shall be sufficient to prove that the notice was properly addressed and registered.
- (5.) Where the employer is the Crown, the notice shall be served on the Crown Solicitor at Perth, or the manager for the time being of the work upon which the worker is employed.

**13.** WHERE the Registrar of Friendly Societies, after taking steps to ascertain the views of the employer and workers, certifies that any scheme of compensation, benefit, or insurance for the workers, whether or not such scheme includes other employers and their workers, is on the whole not less favourable to the general body of workers and their dependants than the provisions of this Act, the following provisions shall apply:—

Contracting out under scheme for compensation approved by Board of Conciliation.

- (1.) The employer may, until the certificate is revoked, contract with any of those workers that the provisions of the scheme shall be substituted for the provisions of this Act, and thereupon the employer shall, as respects the workers with whom he so contracts, be liable in accordance with the scheme in lieu of this Act; but, save

as

*Workers' Compensation.*

as aforesaid, this Act shall apply notwithstanding any contract to the contrary made after the commencement of this Act.

- (2.) The Registrar may give a certificate, to expire at the end of a limited period to be specified therein, being not more than five years.
- (3.) No scheme shall be so certified which contains an obligation upon the workers to join the scheme as a condition of their hiring.
- (4.) If complaint is made to the Registrar by or on behalf of the employer or a majority of the workers that the provisions of the scheme are no longer on the whole so favourable to the employer or to the general body of workers and their dependants as the provisions of this Act, or that the provisions of the scheme are being violated, or that the scheme is not being fairly administered, or that satisfactory reasons exist for revoking the certificate, the Registrar shall examine into the complaint, and, if satisfied that good cause exists for such complaint, shall, unless the cause of complaint is removed, revoke the certificate.
- (5.) When a certificate is revoked or expires, any moneys or securities held for the purpose of the scheme shall be distributed as may be arranged between the employer and the workers, or as may be determined by the Registrar in the event of a difference of opinion.
- (6.) For the purposes of this section, it shall be the duty of the employer and workers to answer all such inquiries and to furnish all such accounts in regard to the scheme as may be required by the Registrar.

Liability in cases of  
contracting or  
sub-contracting.

**14.** WHERE any employer (hereinafter called the contractor) contracts with any other person (hereinafter called the sub-contractor) for the execution of any work by or under the sub-contractor, and the sub-contractor employs any worker thereon, the following provisions shall apply:—

- (1.) Both the contractor and the sub-contractor shall be deemed to be employers of the worker, and shall be jointly and severally liable to pay to the worker any compensation which the sub-contractor, if he were the sole employer, would be liable to pay under this Act.
- (2.) The contractor shall be entitled to be indemnified by the sub-contractor against the employer's liability under this section; and also by any other person who would have been liable independently of this section.

(3.)

*Workers' Compensation.*

- (3.) The contractor shall not be liable under this section, except in cases where the work to be executed under the contract, and in which the worker is employed,—
- (a.) Relates directly to the land, building, vessel, or other property of the contractor; or
  - (b.) Is directly a part of or a process in the trade or business of the contractor.
- (4.) In the case of such contracts, the expression "contractor" shall extend to and include not only the original contractor but also each sub-contractor who constitutes himself a contractor with respect to a sub-contractor by contracting with him for the execution by him of the whole or any part of the work, and the expression "sub-contractor" shall extend to and include not only the original sub-contractor but also each sub-contractor: Provided that each contractor's right of indemnity shall be a right over against every subsequent sub-contractor.

**15.** WHERE the injury for which compensation is payable under this Act was caused under circumstances creating a legal liability in some person other than the employer to pay damages in respect thereof independently of this Act, the worker may, at his option, proceed either against that person to recover damages independently of this Act or against his employer for compensation under this Act, but not against both; and, if compensation is paid under this Act, the employer paying the same shall be entitled to be indemnified by such other person.

*Recovery of damages from stranger.*

**16.** WHERE any employer becomes liable, either under or independently of this Act, to pay compensation or damages in respect of any accident, and is entitled to any sum from insurers in respect of the amount due to a worker under such liability, then, in the event of the employer becoming bankrupt or making a composition or arrangement with his creditors, or, if the employer is a company, of the company having commenced to be wound up, such workers shall have a first charge upon the sum aforesaid for the amount so due.

*Claims of worker for compensation or damages in case of bankruptcy of employer.*

**17.** FOR the purpose of securing to the worker the full benefit of his claim for compensation under this Act, or for damages or compensation independently of this Act, the following provisions shall apply in every case where the accident in respect whereof the claim arises occurred in the course of his employment in or about a mine, factory, building, or vessel:—

*Special provision for securing compensation or damages to worker in mine, factory, building, or vessel.*

- (1.) At and from the time when the accident occurred, the amount of compensation or damages to which he may become entitled, whether under or independently of this

*Workers' Compensation.*

this Act, shall, notwithstanding that such amount is unadjusted or unascertained, be deemed to be a charge in his favour on his employer's estate or interest in—

- (a.) Such mine, factory, building, or vessel, and the plant, machinery, tackle, and appliances in or about the same, and also in
- (b.) The land whereon such mine, factory, or building is situate, or whereto it appertains.
- (2.) As between themselves, all such charges shall have priority according to the priority of the time when they accrue (being the time when the accident occurred), but such of them as accrue on the same day shall be deemed to accrue at the time when the earliest of them accrued, and shall rank equally one with another.
- (3.) The Governor may from time to time, by regulations under this Act, prescribe the mode in which such charges may be enforced.

**Provision as to existing contracts.**

**18.** ANY contract existing at the time of the passing of this Act, whereby a worker relinquishes any right to compensation from the employer for personal injury arising out of and in the course of his employment, shall on the passing of this Act be determined.

**Regulations.**

**19.** THE Governor may make regulations for the purpose of prescribing the mode in which claims and questions under this Act may be determined, and also for any other purpose which he deems necessary in order to give full effect to the provisions and intention of this Act.

**Accident insurance policy.**

**20.** EVERY policy of accident insurance issued after the coming into operation of this Act shall contain such provisions as may be prescribed by the Governor by regulation.

**Repeal.**

**21.** SECTIONS twenty and twenty-seven of the Mines Regulation Act, 1895, and sections thirteen and fourteen of the Mines Regulation Act Amendment Act, 1899, are hereby repealed.

In the name and on behalf of the King I hereby assent to this Act.

ARTHUR LAWLEY, Governor.

**SCHEDULES.**

*Workers' Compensation.*

## SCHEDULES.

## First Schedule.

## MEMBERS OF WORKER'S FAMILY.

Husband	Son	Step-son	Grandfather	Section 2.
Wife	Daughter	Step-daughter	Grandmother	
Brother	Grandson	Father	Step-father	
Sister	Granddaughter	Mother	Step-mother	

## Second Schedule.

## SCALE AND CONDITIONS OF COMPENSATION.

*Scale.*

1. The amount of compensation under this Act shall be computed and assessed as follows, that is to say:—

Section 6.

(1.) Where death results from the injury—

(a.) If the worker leaves any dependants wholly dependent upon his earnings at the time of his death, the compensation shall be a sum equal to his earnings in the employment of the same employer during the three years next preceding the injury, or the sum of Two hundred pounds, whichever of those sums is the larger; but not exceeding, in any case, Four hundred pounds.

Provided that the amount of any weekly payments made under this Act shall be deducted from such sum, and if the period of the worker's employment has been less than the said three years, then the amount of his earnings during the said three years shall be deemed to be one hundred and fifty-six times his average weekly earnings during the period of his actual employment.

(b.) If the worker does not leave any such dependants, but leaves any dependants in part dependent upon his earnings at the time of his death, the compensation shall be such sum, not exceeding in any case the amount payable under the foregoing provisions, as may be agreed upon, or as, in default of agreement, may be determined on under this Act to be reasonable and proportionate to the loss or damage suffered by the said dependants.

(c.) If the worker leaves no dependants, the compensation shall be a sum equal to the reasonable expenses of his medical attendance and burial, not exceeding One hundred pounds.

(2.) Where the worker's total or partial incapacity for work results from the injury—

(d.) The compensation shall be a weekly payment during the incapacity, after the second week, not exceeding fifty per cent. of his average weekly earnings during the previous twelve months, if he has been so long employed, but if not, then for any less period during which he has been in the employment of the same employer; such weekly payment not to exceed Two pounds, and the total liability of the employer in respect thereof not to exceed Three hundred pounds.

(e.) In fixing the amount of the weekly payment, regard shall be had to the difference between the amount of the average weekly earnings of the worker before the accident and the average amount

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*Workers' Compensation.*

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amount which he is able to earn after the accident and to any payment (not being wages) which he may receive from the employer in respect of his injury during the period of incapacity.

*Conditions.*

2. The payment shall, in case of the worker's death, be made to his legal personal representative, or, if he has no legal personal representative, then to or for the benefit of his dependants, or, if he leaves no dependants, then to the person to whom the expenses are due; and, if made to the legal personal representative, shall be paid by him to or for the benefit of the dependants or other person entitled thereto under this Act.

3. Any question as to who is a dependant, or as to the amount payable to each dependant, shall, in default of agreement, be settled by the Court under section eight of the Act.

4. The sum allotted as compensation to a dependant may be invested or otherwise applied for the benefit of the person entitled thereto, as agreed, or, in default of agreement, as adjudged by the Court under section eight of the Act.

5. Where a worker has given notice of an accident, or is entitled to weekly payments under this Act, he shall, if so required by the employer, or by any person by whom the employer is entitled under this Act to be indemnified, from time to time submit himself for examination by a duly qualified medical practitioner provided and paid by the employer or such person:

Provided that if the worker objects to an examination by that medical practitioner, or is dissatisfied with the certificate of such practitioner as to his condition when communicated to him, he may submit himself for examination to one of the medical practitioners appointed by the Governor for the purposes of this Act, and the certificate of that medical practitioner as to the condition of the worker at the time of the examination shall be given to the employer and worker, and shall be conclusive evidence of that condition.

6. If the worker refuses to submit himself to such examination, or in any way obstructs the same, his rights under this Act in respect of the accident to which such examination relates shall be suspended until such examination takes place, and shall absolutely cease unless he submits himself for examination within one month after being required so to do.

7. Any weekly payment may be reviewed by the Court at the request either of the employer or of the worker, and, on such review, may be ended, diminished, or increased, subject to the maximum above provided.

8. Where any weekly payment has been continued for not less than six months, the liability therefor may, on the application by or on behalf of the employer, be redeemed by the payment of a lump sum to be agreed upon by the parties, or, in default of agreement, to be determined by the Court, and such lump sum may be ordered to be invested or otherwise applied as above mentioned.

9. No money paid or payable in respect of compensation under this Act shall be capable of being assigned, charged, taken in execution or attached, nor shall the same pass to any other person by operation of law, nor shall any claim be set off against the same.

10. For the purposes of conditions 7 and 8 above, and of any application thereunder, if the matter has previously been before the Court, under section eight of the Act, the assessors who then sat may sit together with the Magistrate to hear and determine any such application or the parties or either of them may appoint a new assessor or assessors. If the matter has not previously been before the Court, assessors may be appointed by the parties in the prescribed manner to sit with the Magistrate.



## **Western Australia.**

### **ANNO PRIMO ET SECUNDO EDWARDI VII. REGIS.**

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#### **No. VI.**

**AN ACT to confirm certain Expenditure for  
the year ending 30th June, One thousand  
nine hundred.**

*[Assented to, 19th February, 1902.]*

**W**HEREAS it is necessary that Legislative authority be obtained for certain expenditure incurred for the services of the year 1899-1900, not included in any Appropriation Act for the year: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

*Preamble.*

The Expenditure of the sum of One hundred and sixty-seven thousand five hundred and nine pounds six shillings and ten pence, set forth in the Schedule A to this Act shall be, and the same is hereby confirmed and allowed, and is hereby declared to be a charge against the Consolidated Revenue Fund of the Colony.

*Excesses on Votes  
on the Consolidated  
Revenue Fund for  
the year 1899-1900.*

The Expenditure of the sum of Twenty-eight thousand two hundred and ninety-four pounds and five pence set forth in Schedule B to this Act, shall be and the same is hereby confirmed and allowed, and is hereby declared to be a charge against the General Loan Fund of the Colony.

*Excesses on Votes on  
the General Loan  
Fund for the year  
1899-1900.*

In the name and on behalf of the King I hereby assent  
to this Act.

**ARTHUR LAWLEY, Governor.**

**SCHEDULE.**



*Excess of Expenditure, 1899-1900.*

## SCHEDULE A.

## CONSOLIDATED REVENUE FUND.

		£	s.	d.	£	s.	d.
	<b>His Excellency the Governor.</b>						
	CONTINGENCIES—£408 9s.						
8	Postage and Telephone Rent ... ..	63	9	5			
9	Foreign Telegrams and Stationery ... ..	344	19	7			
					408	9	0
	<b>Executive Council.</b>						
	CONTINGENCIES—£32 19s.						
3	Incidental Expenses ... ..	23	18	9			
4	Postage and Telephone Rent ... ..	3	6	8			
5	Foreign Telegrams and Stationery ... ..	5	13	7			
					32	19	0
	<b>Legislative Council.</b>						
	SALARIES, FIXED—£20.						
J	Chairman of Committees ... ..	20	0	0			
	SALARIES, PROVISIONAL AND TEMPORARY—£53 2s. 5d.						
5	Messengers and Waiters ... ..	53	2	5			
	CONTINGENCIES—£6 15s. 2d.						
8	Postage and Telephone Rent ... ..	6	15	2			
					79	17	7
	<b>Legislative Assembly.</b>						
	SALARIES, PROVISIONAL AND TEMPORARY—£301 6s. 9d.						
12	Typewriters (occasionally employed) ... ..	236	0	0			
15	Assistant Messenger, Sessional ... ..	3	6	8			
J	Overtime, <i>Hansard</i> Reporters and Messengers ... ..	62	0	0			
	CONTINGENCIES—£310 13s. 10d.						
19	Incidental Expenses (including Electric Lighting, Furniture, etc.) ... ..	224	10	10			
20	Refreshment Room ... ..	46	9	1			
23	Foreign Telegrams and Stationery ... ..	39	13	11			
					612	0	6
	Carried forward ... ..				1138	6	1

*Excess of Expenditure, 1899-1900.*

		£	s.	d.	£	s.	d.
	Brought forward ... ..	...			1138	6	1
<b>COLONIAL TREASURER.</b>							
<b>Treasury.</b>							
<b>SALARIES, PROVISIONAL AND TEMPORARY—£71 3s. 4d.</b>							
J	Caretaker, Geraldton ... ..	71	3	4			
<b>CONTINGENCIES—£305 14s. 3d.</b>							
45	Postage and Telephone Rent ... ..	305	14	3			
					876	17	7
<b>London Agency.</b>							
<b>SALARIES, PROVISIONAL AND TEMPORARY—£184 2s. 10d.</b>							
8	Lecturer ... ..	184	2	10			
<b>CONTINGENCIES—£19 9s. 8d.</b>							
10	Rent of Offices (including cleaning, fuel, and light) ... ..	19	9	8			
					203	12	6
<b>Customs.</b>							
<b>SALARIES, FIXED—£97 13s. 3d.</b>							
108	Onslow—Landing Waiter ... ..	0	19	11			
J	Broome—Assistant Landing Waiter ... ..	96	13	4			
<b>CONTINGENCIES—£39 0s. 5d.</b>							
142	Postage and Telephone Rent ... ..	39	0	5			
					136	13	8
<b>Harbour and Light.</b>							
<b>SALARIES, FIXED—£123 17s. 8d.</b>							
3	Assistant Harbour Master and Pilot ... ..	16	13	4			
4	Port Pilot ... ..	16	13	4			
J	Albany—Extra Boatman ... ..	24	6	0			
J	Rottneest—Lighthouse Keeper, Bathurst Point ... ..	33	0	0			
J	Do. Signalman ... ..	33	5	0			
<b>SALARIES, PROVISIONAL AND TEMPORARY—£18 10s. 6d.</b>							
79	Reserve Lightkeepers and Extra Labour ... ..	18	10	6			
<b>ALLOWANCES—£10 10s.</b>							
88	Lodging (Harbour Master, Bunbury) ... ..	10	10	0			
<b>CONTINGENCIES—£1,146 4s. 7d.</b>							
91	Oil, etc., for Lighthouses ... ..	175	8	8			
92	Beacons and Buoys ... ..	449	3	7			
	Carried forward ... ..	777	10	5	1850	9	10

*Excess of Expenditure, 1899-1900.*

		£	s.	d.	£	s.	d.
	Brought forward ... ..	777	10	5	1850	9	10
	<b>Harbour and Light—continued.</b>						
	<b>CONTINGENCIES—continued.</b>						
94	Upkeep and Insurance, Uniforms for Officers and Crews of "Penguin" ... ..	267	6	11			
96	Incidental Expenses (including Travelling Expenses) ... ..	195	10	1			
98	Postage and Telephone Rent ... ..	22	13	6			
99	Foreign Telegrams and Stationery (including Charts, Books, etc.) ... ..	36	1	10			
					1299	2	9
	<b>Government Stores.</b>						
	<b>CONTINGENCIES—£201 8s.</b>						
18	Postage and Telephone Rent ... ..	43	2	11			
J	Advertising ... ..	158	5	1			
					201	8	0
	<b>Literary, Scientific, and Agricultural Grants, etc.</b>						
2	Mechanics' Institutes and Working Men's Associations and Art Societies ... ..	373	13	2			
					373	13	2
	<b>Pensions.</b>						
J	G. T. Butcher, late Harbour Master, Albany ... ..	60	19	4			
					60	19	4
	<b>Miscellaneous Services.</b>						
1	Destruction of Wild Dogs ... ..	65	15	0			
4	Incidental Expenses ... ..	6235	19	11			
9	Improvements of Recreation Grounds generally ... ..	1514	2	0			
11	Perth Park ... ..	300	0	0			
13	Sanitation Grants ... ..	705	0	0			
17	Coolgardie Mining Exhibition ... ..	12	12	10			
19	Greater Britain Exhibition ... ..	0	18	0			
20	Law Costs ... ..	617	14	7			
24	Fencing Peak Hill Cemetery site ... ..	50	0	0			
J	Purchase of Building for School purposes at York ... ..	30	0	0			
J	Compassionate Allowance to the Widow of the late M. Brown ... ..	100	0	0			
J	Bonus on Lead Ore ... ..	81	6	5			
J	Boulder Fire Brigade, Grant-in-aid ... ..	300	0	0			
J	Broad Arrow do. do. ... ..	50	0	0			
J	Victoria Park do. do. ... ..	75	0	0			
J	Coolgardie do. Grant for purchase of Engine ... ..	200	0	0			
	Carried forward ... ..	10338	8	9	3785	13	1

*Excess of Expenditure, 1899-1900.*

		£	s.	d.	£	s.	d.
	Brought forward ... ..	10338	8	9	3785	13	1
<b>Miscellaneous Services—continued.</b>							
J	Cue Fire Brigade, Grant for Services rendered (fire in Cue Goods Shed, 8/2/1900) ... ..	25	0	0			
J	Cash stolen from Postmaster's Safe, Greenbushes ... ..	38	13	10			
J	Do. Mining Registrar's Office, Collie ... ..	10	0	0			
J	Compensation for Improvements on Pastoral Lease 66/467 ... ..	12	6	8			
J	Do. to J. B. Roe for loss of office as District Registrar of Births, Deaths, and Marriages, Perth ... ..	350	0	0			
J	Compensation to the widow of the late George Harris ... ..	371	0	0			
J	Defalcations of Von Bibra, late Clerk of Court, Coolgardie ... ..	10	0	0			
J	Deficiency in the Advance Account of the late Warden, Hall's Creek ... ..	410	0	0			
J	Expenses of the Delegate to London in connection with the Commonwealth Bill ... ..	700	0	0			
J	Fencing Cemetery Reserves, Perth ... ..	102	1	8			
J	Do. do. Collie ... ..	25	0	0			
J	Do. do. Cue ... ..	50	0	0			
J	Fencing and clearing Drakesbrook Cemetery ... ..	50	0	0			
J	Do. Lawlers Cemetery, Grant towards ... ..	50	0	0			
J	Do. Nannine do. ... ..	30	0	0			
J	Do. Paynesville do. ... ..	25	0	0			
J	Do. Graves at Victoria Hospital, Subiaco ... ..	37	12	0			
J	Grant to Bulong Municipal Council for Municipal purposes ... ..	200	0	0			
J	Grant to Dental Board ... ..	100	0	0			
J	Grant to North Perth Roads Board for purchase of Land ... ..	210	0	0			
J	Grant for straightening Geegelup Brook ... ..	100	0	0			
J	Gratuity to the widow of the late J. Ednie Brown, Conservator of Forests ... ..	275	0	0			
J	Gratuity to Mr. and Mrs. Fowler, late Superintendent and Matron of the Subiaco Industrial School, upon their retirement from the Service ... ..	50	0	0			
J	Gratuity to the Widow of the late C. A. Litchfield, Mines Draftsman, Cue ... ..	56	5	0			
J	Gratuity to the Widow of the late F. W. Lodge, Chief Inspector of Police ... ..	375	0	0			
J	Gratuity to the Widow of the late G. S. Compton, Clerk of Court, Fremantle ... ..	100	0	0			
J	Hutchison v. Commissioner of Railways, Damage to Property by Flooding, Costs ... ..	448	17	0			
J	Land Receipts stolen in Transit to Lands Office ... ..	47	5	0			
J	Law Costs, Campbell and Lukis v. the Crown ... ..	528	11	7			
J	P.O. Savings Bank Withdrawal paid in Error (J. Smith) ... ..	27	10	5			
J	Purchase of Lots E21, 22, and 23 for Beaconsfield School Additions ... ..	210	0	0			
J	Purchase of Lots 10 and 11 of Section 1 Subdivision of Swan Location 84 for Cottesloe School Site ... ..	165	0	0			
J	Purchase of Lots 45, 46, 47, and 48 of Section C, Helena Vale, for School Purposes ... ..	450	0	0			
J	Purchase of Lot 44 of Perth Loc. Ae for West Leederville School Purposes ... ..	150	0	0			
J	Purchase of Additional School Site, Victoria Park ... ..	76	12	6			
	Carried forward ... ..	16205	4	0	3785	13	1

*Excess of Expenditure, 1899-1900.*

		£	s.	d.	£	s.	d.
	Brought forward ... ..	16205	4	0	3785	13	1
	<b>Miscellaneous Services—continued.</b>						
J	Purchase of Perth Town Lot 65 and part of Town Lot 64 for Perth Park purposes ... ..	1600	0	0			
J	Resumption of Portion of Lease 67/516 for Yalgoo Commonage ... ..	50	0	0			
J	Resumption of Avon Location Y for York Recreation Ground ... ..	691	17	0			
J	Resumption of Portion of Leschenault Location 26 for Recreation purposes, Bunbury ... ..	110	0	0			
					18657	1	0
	<b>Premier's Department.</b>						
	<b>CONTINGENCIES—£53 11s. 2d.</b>						
6	Incidental Expenses ... ..	3	1	10			
7	Postage and Telephone Rent ... ..	36	5	3			
8	Foreign Telegrams and Stationery ... ..	14	4	1			
					53	11	2
	<b>Police.</b>						
	<b>SALARIES, PROVISIONAL AND TEMPORARY—£664 5s. 7d.</b>						
479	Special Constables and Native Trackers ... ..	664	5	7			
	<b>ALLOWANCES—£182 3s. 1d.</b>						
480	Lodging Allowance in lieu of Quarters ... ..	182	3	1			
	<b>CONTINGENCIES—£3,805 15s. 4d.</b>						
483	Arms and Ammunition ... ..	49	17	7			
485	Remounts ... ..	113	5	5			
486	Travelling Expenses and Transport, including Travelling of Special Constables ... ..	3090	3	11			
488	Shoeing and Saddlery ... ..	32	9	6			
490	Rent ... ..	10	9	3			
491	Fuel and Light for Lockups and Stations ... ..	69	17	11			
494	Postage and Telephone Rent ... ..	420	9	10			
495	Foreign Telegrams and Stationery ... ..	19	1	11			
					4652	4	0
	<b>Defences.</b>						
	<b>SALARIES, PROVISIONAL AND TEMPORARY—£192 6s. 3d.</b>						
J	Acting Accountant ... ..	62	9	1			
J	Clerk and Typist ... ..	36	18	1			
J	Temporary Clerical Assistance ... ..	92	19	1			
	<b>CONTINGENCIES—£686 4s. 8d.</b>						
65	Maintenance, Field Guns ... ..	21	19	6			
67	Horses for Field Guns ... ..	198	6	9			
68	Harness and Maintenance ... ..	79	15	9			
74	Transport ... ..	91	13	11			
	Carried forward ... ..	584	2	2	27148	9	3

*Excess of Expenditure, 1899-1900.*

		£	s.	d.	£	s.	d.
	Brought forward ... ..	584	2	2	27148	9	8
	<b>Defences—continued.</b>						
	<b>CONTINGENCIES—continued.</b>						
75	Incidental Expenses (including Travelling Expenses of Com- mandant and Volunteers) ... ..	3	17	3			
78	Tents and Camp Equipments (including Waterproof Sheets)	115	2	9			
80	Lighting Drill Halls ... ..	124	1	10			
82	Postage and Telephone Rent ... ..	51	6	11			
	<b>Federal Forces.</b>						
	<b>CONTINGENCIES, £8,402.</b>						
87	Maintenance of Garrison at Thursday Island, Contribution towards ... ..	70	6	6			
88	Expenses in connection with Military Unit sent to South Africa ... ..	8331	13	6			
					9280	10	11
	<b>Admiralty Surveys.</b>						
	<b>CONTINGENCIES, £16 15s. 2d.</b>						
2	Coal ... ..	11	1	0			
3	Ship and Engine Room Stores ... ..	5	14	2			
					16	15	2
	<b>COMMISSIONER OF RAILWAYS.</b>						
	<b>Railways and Tramways.</b>						
	<b>SALARIES, FIXED—£3,298 2s. 11d.</b>						
	<b>Chief Accountant's Staff.</b>						
J	Cadets (2) ... ..	40	0	0			
	<b>Chief Traffic Manager's Staff.</b>						
81-580	500 { District Superintendents (5), (1 £540, 3 £400, 1 £375) Chief Clerk (1) £375, Inspectors (10), Station Masters (66), Night Station Masters (10), Goods Agent (1), Goods Agent and Piermaster (1) ... ..	429	11	4			
	Officers in Charge (85) ... ..						
	Night Officers in Charge (105) ... ..						
	Clerks (156), Cadets (60) ... ..						
J	Goods Agent (1) ... ..	131	5	0			
J	Officers in Charge (7) ... ..	463	5	8			
J	Do. (1), arrears 1898-9 ... ..	15	0	0			
J	Officers in Charge, Relief (4) ... ..	353	6	8			
J	Night Officer in Charge, Relief (1) ... ..	93	6	8			
J	Clerk (1) ... ..	43	6	8			
J	Do. (1), arrears February to June 1899 ... ..	8	6	8			
J	Cadets (7) ... ..	137	10	0			
	Carried forward ... ..	1714	18	8	36445	15	4

*Excess of Expenditure, 1899-1900.*

		£	s.	d.	£	s.	d.
	Brought forward ... ..	1714	18	8	36445	15	4
<b>Railways and Tramways—continued.</b>							
<b>SALARIES, FIXED—continued.</b>							
<i>Locomotive Engineer's Staff.</i>							
J	Chief Mechanical Engineer ... ..	83	6	8			
J	Acting Outdoor Locomotive Superintendent ... ..	166	13	4			
J	Workshops Manager ... ..	191	19	3			
J	Chief Clerk ... ..	31	5	0			
J	Locomotive Engineer (R. B. Campbell), 15 months' salary ...	1000	0	0			
<i>Chief Engineer of Existing Lines' Staff.</i>							
J	Inspector of Reservoirs ... ..	66	13	4			
J	Field Assistant ... ..	43	6	8			
<b>SALARIES, PROVISIONAL AND TEMPORARY—£63,935 8s. 1d.</b>							
Temporary Clerical Assistance, Wages of Packers, Foremen, Guards, Assistant Guards, Conductors, Signalmen, Head Shunters, Shunters, Head Porters, Porters, Youth Porters, Labourers, Watchmen, Gatekeepers, Checkers, Number Takers, Telephone Boy, Ticket Collectors, Carriage Cleaners, Vanmen, Tinsmith, Townsmen, Charwomen, etc. ... ..							
778	Foremen, Mechanics, Drivers, Firemen, Cleaners, Labourers, Pumpers, Examiners, etc. ... ..	63935	8	1			
	Mechanics, Gangers, Platelayers, and Labourers, etc. ... ..						
	Workshop and Electric Light Employees, Instrument Inspectors, Fitters, Engine Drivers, Carpenters, etc. ... ..						
	Linemen, Labourers ... ..						
	Interlocking Fitters (classified according to Regulations); also overtime and extra labour ... ..						
<b>ALLOWANCES—£1,085 3s. 6d.</b>							
779	Allowances, Travelling—For Inspectors of Permanent Way, House, and Goldfields ... ..	1085	3	6			
<b>CONTINGENCIES—£18,568 3s. 1d.</b>							
780	Material and Stores of all kinds for the working of the Railways ... ..	18568	3	1			
<b>COSSACK AND ROEBOURNE TRAMWAY.</b>							
<i>Way and Works Branch.</i>							
<b>SALARIES, PROVISIONAL AND TEMPORARY—£233 18s. 5d.</b>							
789	Wages—Gangers, Platelayers (Classified according to Regulations); also Overtime and Extra Labour ... ..	233	18	5			
					87120	16	0
	Carried forward ... ..				123566	11	4

*Excess of Expenditure, 1899-1900.*

		£	s.	d.	£	s.	d.
	Brought forward ... ..	...			123566	11	4
	<b>Public Works.</b>						
	<i>General Division.</i>						
	<b>SALARIES, PROVISIONAL AND TEMPORARY—£440 10s. 6d.</b>						
J	Clerk (Relieving) ... ..	31	17	10			
J	Caretaker Coolgardie Exhibition Buildings ... ..	86	0	0			
J	Clerk ... ..	125	0	0			
	<i>Engineering Division.</i>						
	<b>ROADS AND BRIDGES WORKS.</b>						
	<i>(Also General Water Supply, Staff for latter provided on Loan Estimates.)</i>						
J	Supervisor ... ..	108	10	11			
J	Do. ... ..	94	1	9			
	<b>BRIDGES—£16 18s. 7d.</b>						
116	South Dandalup Bridge Repairs (Mandurah Road) ...	16	18	7			
	<b>ROADS—£530 0s. 2d.</b>						
124	Canning Road (Fremantle to Perth) ... ..	500	0	0			
155	Perth, Cathedral Avenue ... ..	30	0	2			
	<b>Harbour and River Works—£50 2s. 3d.</b>						
	<i>(Excepting Fremantle Harbour Works.)</i>						
192	Woodman's Point Quarantine Ground, access to Slaughter House ... ..	50	2	3			
	<i>General Water Supply Works.</i>						
	<i>(Provision for Staff and Construction Work made on Loan Estimates.)</i>						
	<b>OTHER SERVICES—£308 15s. 11d.</b>						
206	Maintenance of Boring Plants ... ..	8	0	8			
208	Water Supply and Boring generally ... ..	59	16	10			
211	Prospecting for Coal, Albany ... ..	240	18	5			
	<i>Fremantle Water Supply.</i>						
	<b>SALARIES, PROVISIONAL AND TEMPORARY—£25.</b>						
212	Superintendent ... ..	25	0	0			
	<b>Engineering Surveys and Railway Construction—£264 18s. 7d.</b>						
	<i>(Provision for Staff and other Construction Works made on the Loan Estimates.)</i>						
227	Owen's Anchorage Railway ... ..	4	6	5			
J	Collie Coalfields Railway Maintenance ... ..	189	17	5			
J	Railway to Bunbury Racecourse—Construction of Telephone Line and Maintenance of Railway ... ..	61	9	9			
J	Owen's Anchorage Railway, Siding to Magazine Ground ...	9	5	0			
					1636	6	0
	Carried forward ... ..	...			125202	17	4



*Excess of Expenditure, 1899-1900.*

		£	s.	d.	£	s.	d.
	Brought forward	...	...	...	125202	17	4
	<b>Public Buildings.</b>						
	<i>Architectural Division.</i>						
	<b>SALARIES, PROVISIONAL AND TEMPORARY—£819 18s.</b>						
	<i>Chief Architect's Office.</i>						
J	Draftsman	...	...	93 15 0			
J	Do.	...	...	47 9 0			
J	Do.	...	...	44 4 0			
J	Do.	...	...	44 4 0			
J	Do.	...	...	44 4 0			
J	Do.	...	...	37 0 5			
J	Do.	...	...	35 10 1			
J	Do.	...	...	15 5 2			
J	Do.	...	...	8 5 2			
J	Temporary Assistance of Draftsmen	...	...	96 8 0			
	<b>SPECIFICATIONS.</b>						
J	Quantity Surveyor	...	...	40 13 8			
	<b>QUANTITIES.</b>						
J	Draftsman	...	...	11 11 1			
	<i>Chief Inspector's Office.</i>						
	<b>DRAFTING.</b>						
J	Draftsman	...	...	33 8 5			
J	Do. (Temporary)	...	...	63 0 0			
	<i>General Supervision (exclusive of Goldfields and North-West)</i>						
J	Supervisor	...	...	150 0 0			
J	Do.	...	...	45 0 0			
J	Do.	...	...	10 0 0			
	<b>BUILDINGS AND OTHER SERVICES FOR THE COLONIAL SECRETARY'S DEPARTMENT.</b>						
	<i>Hospitals and Quarantine Stations—£633 15s. 9d.</i>						
J	Collie Hospital	...	...	200 0 3			
J	Menzies Hospital, Temporary Building	...	...	265 12 7			
J	Mount Eliza Depôt, Additions and Repairs	...	...	168 3 2			
	<i>Industrial Schools—£59 7s. 7d.</i>						
68	Additions and Repairs to Existing Buildings	...	...	59 7 7			
	<i>Government Houses—£95 0s. 4d.</i>						
76	Additions and Repairs to Existing Buildings	...	...	95 0 4			
	Carried forward	...	...	1608 1 8	125202	17	4

*Excess of Expenditure, 1899-1900.*

		£	s.	d.	£	s.	d.
	Brought forward ... ..	1608	1	8	125202	17	4
	<b>Public Buildings—continued.</b>						
	<b>BUILDINGS AND OTHER SERVICES FOR THE COLONIAL TREASURER'S DEPARTMENT.</b>						
	<i>Lighthouses, Lighthouse Keepers', Pilot Crews' Quarters, etc.—£353 5s. 9d.</i>						
80	Additions and Repairs to Existing Buildings ... ..	353	5	9			
	<i>Police Stations and Quarters—£1,213 0s. 6d.</i>						
86	Additions and Repairs to Existing Buildings ... ..	604	11	8			
87	Colliefields Lockup ... ..	152	14	2			
96	Mount Malcolm Lockup ... ..	19	18	8			
J	Leonora Police Stables ... ..	170	16	0			
J	Mount Malcolm Police Stables ... ..	190	0	0			
J	Do. Police Quarters ... ..	75	0	0			
	<i>Defences—£630 0s. 7d.</i>						
105	Perth Artillery Gun Shed ... ..	470	0	0			
J	Karrakatta do. ... ..	40	0	7			
J	Do. Extension of Windmill and Tanks ... ..	120	0	0			
	<b>BUILDINGS AND OTHER SERVICES FOR THE POST AND TELEGRAPH DEPARTMENT.</b>						
	<i>Post and Telegraph Offices—£1,939 2s. 6d.</i>						
115	Additions and Repairs to existing Buildings ... ..	1,037	2	4			
122	Mount Malcolm Post Office and Quarters ... ..	743	0	1			
129	Tuckanarra Post Office ... ..	74	0	1			
J	Abbott's Post Office ... ..	85	0	0			
	<b>BUILDINGS AND OTHER SERVICES FOR THE MINES DEPARTMENT, £204 12s. 1d.</b>						
132	Additions and Repairs to existing Buildings ... ..	204	12	1			
	<b>BUILDINGS FOR THE LANDS AND SURVEYS DEPARTMENT— £128 1s. 11d.</b>						
J	Plan, Mounting Room, Lands Department ... ..	128	1	11			
	<b>BUILDINGS AND OTHER SERVICES FOR THE EDUCATION DEPARTMENT—£3,998 7s. 2d.</b>						
147	Boulder Infants' School, Additions ... ..	248	0	0			
148	Do. School, Additions ... ..	214	0	0			
150	Cannington School, do. ... ..	35	18	9			
161	Kalgoorlie Infants' School ... ..	107	0	0			
162	Kojonup Road School ... ..	84	17	0			
179	Wedgecarrup (near Wagin) School ... ..	70	10	0			
J	Greenbushes School ... ..	317	0	0			
J	Do. Additional Class-rooms ... ..	388	4	10			
	Carried forward ... ..	5934	1	11	125202	17	4

*Excess of Expenditure, 1899-1900.*

		£	s.	d.	£	s.	d.
	Brought forward ... ..	5934	1	11	125202	17	4
	<b>Public Buildings—continued.</b>						
	<b>BUILDINGS AND OTHER SERVICES FOR THE EDUCATION DEPARTMENT—continued.</b>						
J	Greenbushes School, Teachers' Quarters ... ..	181	0	11			
J	Colliefields School, Additions ... ..	343	9	7			
J	Mandurah do., Contract and Contingencies ... ..	334	0	0			
J	East Perth School, Additions ... ..	757	0	0			
J	West Coolup School ... ..	287	6	1			
J	Highgate Infants' School, Contract and Contingencies ... ..	350	0	0			
J	Colliefields School, Teacher's Quarters ... ..	280	0	0			
	<b>GRANTS-IN-AID FOR MUNICIPAL AND OTHER BUILDINGS—£200.</b>						
J	Greenbushes Miners' Institute ... ..	100	0	0			
J	Peak Hill Miners' Institute ... ..	100	0	0			
	<b>FURNITURE FOR PUBLIC BUILDINGS—£21 14s. 2d.</b>						
220	Furniture for Government House ... ..	21	14	2			
	<b>INSURANCES, SANITARY CONTRACTS, ETC.—£994 11s. 8d.</b>						
226	Firewood and Collie Coal for Government Offices, Water Service, Gas, etc. ... ..	994	11	8			
					11290	18	0
	<b>COMMISSIONER OF CROWN LANDS.</b>						
	<b>Lands and Surveys.</b>						
	<b>SALARIES, PROVISIONAL AND TEMPORARY—£121 15s. 6d.</b>						
	<i>Division I.—Correspondence.</i>						
J	Clerk ... ..	27	2	2			
	<i>Division V.—Roads and Reserves.</i>						
J	Caretaker, Margaret River Caves ... ..	16	13	4			
	<i>Division VII.—Land Agencies.</i>						
J	Land Agent, Bridgetown ... ..	25	0	0			
J	Do. Kalgoorlie ... ..	29	3	4			
J	Clerk Kalgoorlie ... ..	23	16	8			
	<b>CONTINGENCIES—£251 11s. 8d.</b>						
155	Purchase of Horses and Equipment for Surveyors ... ..	100	14	5			
160	Postage and Telephone Rents ... ..	150	17	3			
					373	7	2
	Carried forward ... ..				136867	2	6

*Excess of Expenditure, 1899-1900.*

		£	s.	d.	£	s.	d.
	Brought forward	...			136867	2	6
	<b>Fisheries.</b>						
	<b>SALARIES, PROVISIONAL AND TEMPORARY—£230 19s. 3d.</b>						
8	Inspectors and Labourers occasionally employed	30	19	3			
J	Chief Inspector	200	0	0			
	<b>CONTINGENCIES—£57 3s.</b>						
10	Incidental Expenses (including Travelling Expenses)	57	3	0	288	2	3
	<b>Woods and Forests.</b>						
	<b>SALARIES, PROVISIONAL AND TEMPORARY—£63 6s. 6d.</b>						
12	Labourers occasionally employed	63	6	6			
	<b>CONTINGENCIES—£74 19s. 2d.</b>						
18	Incidental Expenses (including Travelling Expenses)	16	19	4			
19	Maintaining Nursery, Drakesbrook	50	0	7			
22	Advertising W.A. Timbers	7	19	3	188	5	8
	<b>Agriculture.</b>						
	<b>SALARIES, PROVISIONAL AND TEMPORARY—£155 10s.</b>						
J	Storeman, Northam	40	5	0			
J	Do. Perth	40	5	0			
J	Do. Coolgardie	72	0	0			
J	Messenger	3	0	0			
	<b>CONTINGENCIES—£502 5s. 2d.</b>						
26	Library and Museum—Purchase of Books, Periodicals, Fruit Models, Botanical and other Specimens	41	14	0			
28	Postage and Telephone Rent	63	8	1			
33	Insect Pests Act	149	17	6			
J	Storage of Produce	247	5	7	657	15	2
	<b>Agricultural Bank.</b>						
	<b>ALLOWANCES—£90.</b>						
4	Allowance to Manager for Horses and Man, and Personal Expenses when Travelling	90	0	0			
	<b>CONTINGENCIES—£3 9s. 3d.</b>						
6	Postage and Telephone Rent	3	9	3	93	9	8
	Carried forward	...			138044	14	10

*Excess of Expenditure, 1899-1900.*

		£	s.	d.	£	s.	d.
	Brought forward ...	...			138044	14	10
	<b>MINISTER OF MINES.</b>						
	<b>Mines.</b>						
	<b>SALARIES, FIXED—£80 3s. 7d.</b>						
	<i>Head Office.</i>						
5	Assistant Accountant (6 months, at £225) ...	80	3	7			
	<b>SALARIES, PROVISIONAL AND TEMPORARY—£302 8s. 7d.</b>						
	<i>Gascoyne Goldfield.</i>						
115	Mining Registrar, Bangemall (6 months, £225) ...	31	5	0			
	<i>Pilbarra Goldfield.</i>						
141	Deputy Mining Registrar, Tambourah (6 months, at £36) ...	5	0	0			
J	Mining Registrar, Menzies ...	53	6	8			
J	Do. Donnybrook ...	118	17	7			
J	Do. Phillips River... ..	16	13	4			
J	Inspector of Mines, Collie ... ..	77	6	0			
	<b>CONTINGENCIES—£4,553 9s. 3d.</b>						
173	Equipment, Conveyance, and Repairs ... ..	178	13	7			
174	Postage and Telephone Rent ... ..	101	8	8			
178	Survey of Leases, Areas, etc. ... ..	3990	14	0			
180	Exemption Fees ... ..	282	13	0			
	<i>Public Batteries.</i>						
	<b>CONTINGENCIES—£922 10s. 2d.</b>						
188	General Supplies and Maintenance ... ..	922	10	2			
	<i>Steam Boilers Act.</i>						
	<b>SALARIES, PROVISIONAL AND TEMPORARY—£5 12s.</b>						
J	Clerk ... ..	5	12	0			
	<b>CONTINGENCIES—£331 18s. 11d.</b>						
J	Fees payable to Inspectors of Boilers ... ..	331	18	11			
					6196	2	6
	<b>Geological Survey.</b>						
	<b>SALARIES, PROVISIONAL AND TEMPORARY—£127 11s. 1d.</b>						
12	Temporary Labour, Axemen, Chainmen, Camp Assistants, etc.	81	9	1			
J	Acting Mineralogist and Assayer ... ..	46	2	0			
	<b>CONTINGENCIES—£21 16s. 9d.</b>						
14	Postage and Telephone Rent ... ..	21	16	9			
					149	7	10
	Carried forward ... ..	...			144390	5	2

*Excess of Expenditure, 1899-1900.*

		£	s.	d.	£	s.	d.
	Brought forward ...	...			144390	5	2
	<b>ATTORNEY GENERAL.</b>						
	<b>Crown Law Officers.</b>						
	<b>SALARIES, FIXED—£46 13s. 4d.</b>						
4	Clerk to Attorney General ...	5	0	0			
5	Common Law Clerk ...	8	6	8			
J	Managing Clerk, Civil Business ...	33	6	8			
	<b>CONTINGENCIES—£123 6s. 3d.</b>						
11	Law Books for Law Officers and Magistrates ...	99	19	9			
12	Incidental Expenses (including Travelling Expenses) ...	15	9	0			
14	Foreign Telegrams and Stationery ...	7	17	6			
					169	19	7
	<b>Supreme Court.</b>						
	<b>SALARIES, PROVISIONAL AND TEMPORARY—£106 10s.</b>						
29	Extra Clerical Assistance ...	106	10	0			
	<b>CONTINGENCIES—£244 11s. 10d.</b>						
34	Circuit Prosecutions ...	244	11	10			
					351	1	10
	<b>Official Receiver in Bankruptcy.</b>						
	<b>SALARIES, PROVISIONAL AND TEMPORARY—£55.</b>						
9	Extra Clerical Assistance ...	55	0	0			
	<b>CONTINGENCIES—£81 1s. 6d.</b>						
10	Postage and Telephone Rent ...	79	0	8			
12	Water, Fuel, Lighting, and Sanitary ...	2	0	10			
					136	1	6
	<b>Stipendiary Magistracy.</b>						
	<b>SALARIES, FIXED—£92 12s. 2d.</b>						
3	Broome, Resident Magistrate ...	34	5	6			
J	Roebourne, Government Resident ...	41	13	4			
J	Donnybrook, Clerk to Magistrate ...	3	6	8			
J	Greenbushes, Clerk to Magistrate ...	3	6	8			
J	Donnybrook, Clerk of Local Courts ...	5	0	0			
J	Greenbushes, Clerk of Local Courts ...	5	0	0			
	<b>CONTINGENCIES, £936 8s. 3d.</b>						
109	Witnesses and Jurors, payment of ...	856	6	1			
114	Postage and Telephone Rent ...	66	0	5			
116	Water, Fuel, Lighting, and Sanitary ...	14	1	9			
					1029	0	5
	Carried forward ...	...			146076	8	6

*Excess of Expenditure, 1899-1900.*

		£	s.	d.	£	s.	d.
	Brought forward ...	...			146076	8	6
<b>COLONIAL SECRETARY.</b>							
<b>Electoral.</b>							
<b>SALARIES, PROVISIONAL AND TEMPORARY—£81 15s. 5d.</b>							
J	Electoral Registrar—Boulder, Hannans, and Kalgoorlie ...	15	0	0			
J	Do. Coolgardie and Mount Burges ...	13	6	8			
J	Do. South Perth and Cockburn Sound ...	8	6	8			
J	Do. Guildford and Swan ...	8	6	8			
J	Do. Cue ...	2	1	8			
J	Do. Kanowna ...	16	15	5			
J	Do. Subiaco and Claremont ...	8	6	8			
J	Do. South-West Mining District ...	2	1	8			
J	Do. Menzies ...	2	10	0			
J	Do. Mount Magnet ...	2	18	4			
J	Do. Mount Margaret ...	2	1	8			
					81	15	5
<b>Medical.</b>							
<b>SALARIES, FIXED—5s. 4d.</b>							
11	Albany, Cook ...	0	5	4			
<b>SALARIES, PROVISIONAL AND TEMPORARY—£67 1s. 4d.</b>							
252	Temporary Labour and Relieving Officers ...	67	1	4			
<b>ALLOWANCES—£3 9s. 10d.</b>							
J	Roman Catholic Chaplain, Whitby, Forage ...	3	9	10			
<b>CONTINGENCIES—£3,921 16s. 5d.</b>							
300	Lunatic Asylum, Provisions, Bedding, and Clothing, etc. ...	241	1	6			
304	Uniform for Warders, Lunatic Asylum; and Orderlies and Nurses, Hospitals ...	92	0	2			
305	Quarantine Stations, and Hospitals for Infectious and Contagious Diseases ...	208	10	9			
310	Foreign Telegrams and Stationery ...	62	14	10			
313	Subsidy to Hospitals and Grants towards Maintenance of Indigent Patients at Hospitals on Goldfields ...	2026	15	2			
J	Broad Arrow Hospital, Grant to pay outstanding liabilities ...	310	14	0			
J	Kanowna Hospital, Grant for Furniture for new Ward ...	100	0	0			
J	Mt. Margaret Hospital, Grant for removal of Building to Laverton ...	250	0	0			
J	Mt. Morgans Hospital, Grant for erection of Premises ...	150	0	0			
J	Nannine Hospital, Grant for repairs ...	300	0	0			
J	Norseman do. do. do. ...	30	0	0			
J	Peak Hill do Grant-in-aid ...	150	0	0			
					3992	12	11
	Carried forward ...	...			150150	16	10

*Excess of Expenditure, 1899-1900.*

		£	s.	d.	£	s.	d.
	Brought forward	...	...	...	150	150	16 10
	Gaols.						
	SALARIES, PROVISIONAL AND TEMPORARY—£40.						
J	Temporary Cook, Derby	...	...	40 0 0			
	CONTINGENCIES—£222 11s. 2d.						
108	Incidental Expenses (including Travelling Expenses)	...	...	94 16 1			
109	Postage and Telephone Rent	...	...	2 15 1			
J	Church Furniture, etc.	...	...	125 0 0			
					262	11	2
	Rottneſt Eſtabliſhment.						
	CONTINGENCIES—£10 16s. 9d.						
15	Salt Works	...	...	10 16 9			
					10	16	9
	Printing.						
	SALARIES, PROVISIONAL AND TEMPORARY—£3,161 3s. 10d.						
68	Extra Labour	...	...	3161 3 10			
	CONTINGENCIES—£1,464 10s. 1d.						
75	Stationery (Printing Paper, etc.) for Public Service generally	...	...	1464 10 1			
					4625	13	11
	Registry.						
	General Registry Branch.						
	SALARIES, FIXED—£32 10s.						
2	Chief Clerk and Accountant	...	...	7 10 0			
J	Clerk	...	...	25 0 0			
	SALARIES, PROVISIONAL AND TEMPORARY—£645 10s.						
J	Clerk	...	...	156 10 0			
J	Do.	...	...	156 10 0			
J	Do.	...	...	156 0 0			
J	Do.	...	...	156 10 0			
J	Do.	...	...	20 0 0			
	CONTINGENCIES—£76 5s. 9d.						
17	Postage and Telephone Rent	...	...	76 5 9			
					754	5	9
	Carried forward	...	...	...	155804	4	5



*Excess of Expenditure, 1899-1900.*

		£	s.	d.	£	s.	d.
	Brought forward ... ..				155804	4	5
	<b>Charitable Institutions.</b>						
	<b>SALARIES, FIXED—£6 2s.</b>						
8	Hospital Nurse, Female Home ... ..	6	2	0			
	<b>CONTINGENCIES—£1,670 10s. 5d.</b>						
35	Maintenance of Paupers, Relief to Destitute, and aid to Orphanages ... ..	1670	10	5	1676	12	5
	<b>Government Gardens and Government House Domain.</b>						
	<b>CONTINGENCIES—£6 4s. 7d.</b>						
8	Incidental Expenses ... ..	6	4	7	6	4	7
	<b>Central Board of Health.</b>						
	<b>SALARIES, PROVISIONAL AND TEMPORARY—£296 16s. 6d.</b>						
J	Bookkeeper ... ..	24	17	2			
J	Clerk ... ..	26	0	0			
J	Special Medical Officer of Health ... ..	116	5	0			
J	Special Medical Officer, Albany ... ..	7	5	2			
J	Medical Officer, Woodman's Point, Quarantine Station ... ..	106	14	11			
J	Matron do. do. ... ..	6	0	0			
J	Nurse do. do. ... ..	5	2	10			
J	Cook do. do. ... ..	4	11	5			
	<b>CONTINGENCIES—£979 10s.</b>						
3	Incidental Expenses (including Travelling Expenses and Fees to Board) ... ..	124	3	1			
4	Postage and Telephone Rent ... ..	2	3	2			
5	Foreign Telegrams and Stationery ... ..	34	2	7			
	Grant-in-aid to cope with outbreak of Bubonic Plague at Fremantle ... ..	819	1	2	1276	6	6
	<b>Educational.</b>						
	<b>SALARIES, PROVISIONAL AND TEMPORARY—£768 4s. 1d.</b>						
34	Government Schools ... ..	768	4	1			
	<b>ALLOWANCES—£597 0s. 5d.</b>						
37	Allowances for Cleaning Schools ... ..	597	0	5			
	Carried forward ... ..	1365	4	6	158763	7	11

*Excess of Expenditure, 1899-1900.*

		£	s.	d.	£	s.	d.
	Brought forward ... ..	1365	4	6	158763	7	11
	<b>Educational—continued.</b>						
	<b>CONTINGENCIES—£1,575 4s. 7d.</b>						
40	Books, Apparatus, etc. ... ..	1004	12	1			
42	Incidental Expenses (including Travelling Expenses and Rents of Schools) ... ..	194	12	6			
43	Postage and Telephone Rent ... ..	376	0	0			
					2940	9	1
	<b>Postal and Telegraph.</b>						
	<b>SALARIES, FIXED—£985 15s. 3d.</b>						
J	Perth, Relieving Officer ... ..	53	6	8			
J	Perth (Hay Street West) Post and Telegraph Master ... ..	29	3	4			
534	Bremer, Native Assistant ... ..	5	0	0			
J	Boulder, Assistant ... ..	94	17	4			
J	Do. do. ... ..	81	13	4			
J	Do. do. ... ..	87	10	0			
J	Do. Clerk ... ..	47	4	0			
J	Burbanks, Post and Telegraph Master ... ..	38	1	10			
J	Colliefields, Assistant ... ..	8	4	6			
J	Coolgardie, Stamp Seller ... ..	32	3	7			
J	Donnybrook, Assistant ... ..	42	1	11			
J	Fremantle, Messenger ... ..	20	0	0			
928	Jarrahdale do. ... ..	0	16	8			
J	Kalgoorlie, Operator ... ..	15	16	8			
963	Do. Assistant ... ..	6	13	4			
J	Do. Telephone Attendant ... ..	15	0	0			
J	Do. do. ... ..	35	0	0			
J	Do. do. ... ..	30	0	0			
J	Lawlers, Messenger ... ..	12	10	0			
J	Laverton Assistant ... ..	15	0	0			
J	Do. do. ... ..	60	1	0			
J	Do. Messenger ... ..	4	3	4			
J	Leonora, Assistant ... ..	61	10	1			
J	Mt. Malcolm, Messenger ... ..	13	13	4			
J	Mornington Mills, Post and Telegraph Master ... ..	9	0	8			
J	Mt. Morgan, Assistant ... ..	41	7	5			
J	Do. do. ... ..	18	15	0			
1115	Murrin Murrin, Post and Telegraph Master ... ..	4	3	4			
J	Nannine, Assistant ... ..	67	1	8			
J	Niagara do. ... ..	11	5	10			
J	Paddington do. ... ..	11	12	1			
1164	Pinjarra, Post and Telegraph Master ... ..	8	6	8			
1166	Do. Messenger ... ..	2	1	8			
1173	Roebourne, Chief Operator ... ..	2	10	0			
	<b>SALARIES, PROVISIONAL AND TEMPORARY—£1,093 8s. 6d.</b>						
1304	Extra Labour ... ..	1084	15	2			
J	Receiver of Mails, Princess Royal Mine ... ..	8	13	4			
	Carried forward ... ..	2079	3	9	161703	17	6

*Excess of Expenditure, 1899-1900.*

		£	s.	d.	£	s.	d.
	Brought forward ... ..	2079	3	9	161703	17	0
	<b>Postal and Telegraph—continued.</b>						
	ALLOWANCES—£240 15s. 10d.						
J	Officers on Goldfields (43 at £30) ... ..	240	15	10			
	CONTINGENCIES—£3,300 9s. 7d.						
1574	Conveyance of Inland Mails ... ..	834	19	3			
1581	Linemen's Equipment ... ..	83	19	4			
1583	Incidental Expenses ... ..	102	7	5			
1584	Telephone Material, etc. ... ..	1068	8	9			
1585	New Switch Boards, Telephone ... ..	16	6	2			
1586	Subsidies, Coastal Steam Services ... ..	55	15	7			
1588	Stationery and Printing ... ..	51	1	6			
J	Installing Metallic Circuit on Tram Route ... ..	1087	11	7			
					5620	9	2
	<b>Audit.</b>						
	SALARIES, PROVISIONAL AND TEMPORARY—£55 16s.						
J	Clerk ... ..	55	16	0			
					55	16	0
	<b>Observatory.</b>						
	SALARIES, PROVISIONAL AND TEMPORARY—£15.						
J	Observer, Laverton ... ..	11	0	0			
J	Do. Thomas River ... ..	4	0	0			
	CONTINGENCIES—£39 14s.						
52	Postage and Telephone Rent ... ..	39	14	0			
					54	14	0
	<b>Photo-Lithographic.</b>						
	SALARIES, PROVISIONAL AND TEMPORARY—5s. 8d.						
	<i>Printing Staff.</i>						
36	Assistant Printer (3 months at £117 7s. 6d. per annum) ...	0	5	8			
	CONTINGENCIES—£74 5s.						
38	Incidental Expenses ... ..	58	6	4			
J	Sanitation ... ..	12	16	8			
J	Water ... ..	3	2	0			
					74	10	8
	<b>TOTAL</b> ... ..				167509	6	10

*Excess of Expenditure, 1899-1900.***SCHEDULE B.****GENERAL LOAN FUND.**

Item No.		£	s.	d.	£	s.	d.
	<b>CLASS I.</b>						
	<i>Departmental - £768 7s. 4d.</i>						
	<b>PERTH OFFICE—</b>						
5	Engineering Cadet, 4 months at £50, and 8 months at £70, p.a. ... ..	1	13	4			
	<b>CONSTRUCTION OF RAILWAYS—</b>						
J	Typist ... ..	24	0	0			
	<b>GENERAL WATER SUPPLY—</b>						
J	Resident Engineer ... ..	31	5	0			
J	Chief Draftsman ... ..	20	12	6			
	<b>CONSTRUCTION OF TELEGRAPHS—</b>						
J	(Administered by the Post and Telegraph Department.)						
	Supervisor ... ..	141	2	7			
	<b>FREMANTLE HARBOUR WORKS—</b>						
75	Navigating Officer, "Premier" ... ..	9	13	7			
	<b>COOLGARDIE WATER SUPPLY—</b>						
J	Engineering Surveyor ... ..	133	6	8			
	<b>ENGINEERING SURVEYS—</b>						
J	Engineering Surveyor ... ..	148	15	0			
J	Do. do. ... ..	96	8	7			
	<b>MIDLAND JUNCTION WORKSHOP—</b>						
J	Mechanical Engineer ... ..	146	10	1			
	<b>STORES—</b>						
184	Clerk ... ..	15	0	0			
	<b>RAILWAYS AND TEAMWAYS—£94 0s. 8d.</b>						
194	Railway from Donnybrook towards Bridgetown (exclusive of Rolling Stock) ... ..	65	16	4			
195	Railway from Collie Coalfields (exclusive of Rolling Stock) ...	28	4	4			
	<b>HARBOUR AND RIVER IMPROVEMENTS—£23,583 14s. 5d.</b>						
207	Harbour Works, Fremantle ... ..	22577	2	10			
216	Do. Albany ... ..	1006	11	7			
	<b>WATER SUPPLY AND SEWERAGE IN TOWNS—£541 7s. 10d.</b>						
223	Water Supply for Towns ... ..	541	7	10			
	<b>DEVELOPMENT OF GOLDFIELDS AND MINERAL RESOURCES—£3,306 10s. 2d.</b>						
230	Other Districts ... ..	111	0	10			
237	Erection of Public Batteries ... ..	3195	9	4			
	<b>TOTAL</b> ... ..				28294	0	5
					28294	0	5

By Authority: WM. ALFRED WATSON, Government Printer, Perth.





## Western Australia.

ANNO PRIMO ET SECUNDO

EDWARDI VII. REGIS.

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No. VII.

AN ACT to amend the Summary Jurisdiction (Married Women) Act, 1896.

*[Assented to, 19th February, 1902.]*

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. THIS Act may be cited for all purposes as the Summary Jurisdiction (Married Women) Amendment Act, 1902, and shall be incorporated with and read as forming part of the Summary Jurisdiction (Married Women) Act, 1896, and shall come into force on the passing hereof.

Short title.

2.

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*Summary Jurisdiction (Married Women)—Amendment.*

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Amendment of 60  
Vict., No. 10, s. 2.  
tion two.

2. SECTION two of the Summary Jurisdiction (Married Women) Act, 1896, is hereby amended by inserting, after the word "months," in the seventh line of the said section, and before the word "or," in the said line, the following words: "or whose husband shall have deserted her."

In the name and on behalf of the King I hereby assent  
to this Act.

ARTHUR LAWLEY, Governor.



## Western Australia.

ANNO PRIMO ET SECUNDO

EDWARDI VII. REGIS.

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No. VIII.

AN ACT to amend the Land Drainage Act,  
1900.

*[Assented to, 19th February, 1902.]*

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. THIS Act may be cited as the Land Drainage Amendment Act, 1902, and shall be incorporated with the Land Drainage Act, 1900 (hereinafter called the principal Act).

Short title.

2. THE principal Act is amended as follows:—

Amendment of  
principal Act.

(a.) In section two the definition of "Roads Acts," "ratable property," and "ratable value," are repealed, and the following substituted therefor:

Section 2.

"Roads Acts" means the Roads Act, 1888, and all amendments thereof.

"Ratable



*Land Drainage—Amendment.*

“Ratable property” means all property within a drainage district which would be ratable if situated within a road district.

“Ratable value” means ratable value of all ratable property, ascertained in the same manner as if the property were within a road district.

- Section 4. (b.) In section four the words “in any part of the Colony declare any lands” are repealed, and the following words substituted therefor: “within any area proposed to be formed into a drainage district declare any lands within such area and not forming part of a Municipality.”
- Section 4. (c.) In section four the words “any such district may comprise any entire road district or part of a road district only or any road district, with a part or parts of another or others” are repealed.
- Section 16. (d.) In section sixteen the words “main drains within,” in line three, are struck out, and the following words substituted therefor: “drains within or without.”
- Section 16. (e.) In section sixteen, between the words “recommendation of” and the words “a Board,” in the fifth line, insert the words “the Minister or.”
- Section 18. (f.) In section eighteen, strike out the words “The Director of Public Works at the request of the Minister shall,” and substitute therefor the words “The Minister may.”
- Section 18. (g.) Strike out subsection two of section eighteen, and substitute the following therefor:—
- (2.) May, without compensation, resume any land which has been granted or demised by the Crown, so that the area resumed without compensation be not in excess of the quantity allowed by the provisions contained in the grant, lease, or other instrument, and reserving to the Crown any right to resume for a public purpose.
- Section 18. (h.) In section eighteen, subsection five, strike out the words “within the district,” in line two, and also substitute the word “Minister” for the words “Director of Public Works,” in the second paragraph.
- Section 18. (i.) In section eighteen, subsection six, after the word “ditch,” in the second line, insert the words “or other drainage works.”
- Sections 20 and 34. (j.) In sections twenty and thirty-four substitute the word “Minister” for the words “Director of Public Works.”
- (k.)

*Land Drainage—Amendment.*

(k.) In section thirty substitute the word "Board" for the word "district," in the first line of the last paragraph. Section 30.

(l.) In section thirty-nine, after the words "every Board may," insert the words "with the approval of the Governor." Section 39.

(m.) In section three, after the word "Railways," in the third line, add the words "or the Minister."

**3.** THE Colonial Treasurer may, with the approval of the Governor, from time to time, at the request of the Minister, expend for the purposes of the principal Act, in the construction of drains or other drainage works outside the limits of a drainage district, any sum or sums within the limits mentioned in section sixteen of the principal Act. Treasury may advance moneys for works outside a district.

**4.** (1.) ALL such drains or other drainage works shall be constructed by and vest in the Minister, and until included within the limits of a drainage district shall be maintained and repaired by him. Minister shall construct and repair such works.

(2.) In connection with such drains or drainage work the Minister may exercise all the powers and authorities which, by the principal Act, are conferred upon a Board in connection with any drain or drainage work within its district.

**5.** (1.) WHEN the boundaries of a drainage district are defined so as to include any such drain or other drainage work, the Minister may direct that such drain or work shall vest in the Board of such district. Works so constructed not to vest in Board, unless with Minister's consent.

(2.) The Minister may require from, and the Board is authorised to give, an instrument creating a sole charge, as mentioned in section seventeen of the principal Act, for the whole or any part of the cost of constructing such drain or work.

**6.** BY-LAWS made by a Board shall first be submitted to the Minister for the approval of the Governor, and, when approved, shall be gazetted and come into force. By-laws to be approved and gazetted.

In the name and on behalf of the King I hereby assent to this Act.

ARTHUR LAWLEY, Governor.





## Western Australia.

### ANNO PRIMO ET SECUNDO EDWARDI VII. REGIS.

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#### No. IX.

AN ACT to confirm certain Expenditure for  
the Year ended 30th June, One thousand  
nine hundred and one.

*[Assented to, 19th February, 1902.]*

**W**HEREAS it is necessary that Legislative authority be obtained  
for certain expenditure incurred for the services of the year  
1900-1901, not included in any Appropriation Act for the Year:  
Be it therefore enacted by the King's Most Excellent Majesty, by  
and with the advice and consent of the Legislative Council and  
Legislative Assembly of Western Australia, in this present Parlia-  
ment assembled, and by the authority of the same, as follows:—

Preamble.

1. THE Expenditure of the sum of Three hundred and sixty-four  
thousand three hundred and eighty-four pounds twelve shillings  
and sixpence, set forth in the Schedule A to this Act, shall be, and  
the same is hereby confirmed and allowed, and is hereby declared to  
be a charge against the Consolidated Revenue Fund of the Colony.

Excesses on votes  
on the Consolidated  
Revenue Fund for  
the year 1900-1901.

2. THE Expenditure of the sum of One hundred and thirty-five  
thousand three hundred and ninety-eight pounds eleven shillings  
and three pence set forth in Schedule B to this Act, shall be, and  
the same is hereby confirmed and allowed, and is hereby declared to  
be a charge against the General Loan Fund of the Colony.

Excesses on Votes  
on General Loan  
Fund for the year  
1900-1901.

In the name and on behalf of the King I hereby assent  
to this Act.

ARTHUR LAWLEY, Governor.

SCHEDULE.

*Excess of Expenditure, 1900-1.***SCHEDULE A.****CONSOLIDATED REVENUE FUND.**

		£	s.	d.	£	s.	d.
<b>His Excellency the Governor.</b>							
<b>SALARIES, FIXED—£34 16s. 3d.</b>							
1	Aide-de-Camp ... ..	14	2	3			
J	Acting Private Secretary ... ..	20	14	0			
<b>CONTINGENCIES—£338 19s. 10d.</b>							
8	Postage, Telephone Rent, and Foreign Telegrams ... ..	187	8	9			
9	Stationery ... ..	36	2	6			
J	Lighting Government House ... ..	115	8	7			
					373	16	1
<b>Executive Council.</b>							
<b>CONTINGENCIES—£24 5s.</b>							
3	Incidental Expenses ... ..	14	5	0			
4	Postage, Telephone Rent, and Foreign Telegrams ... ..	10	0	0			
					24	5	0
<b>Legislative Council.</b>							
<b>CONTINGENCIES—£391 7s. 7d.</b>							
13	Select Committees, Payment of Witnesses (both Houses) ... ..	391	7	7			
					391	7	7
<b>Legislative Assembly.</b>							
<b>SALARIES, PROVISIONAL AND TEMPORARY—£41 10s.</b>							
15	Assistant Messenger (Sessional) ... ..	41	10	0			
<b>CONTINGENCIES—£88 16s.</b>							
19	Incidental Expenses (including Electric Lighting, Furniture, etc.) ... ..	49	4	7			
23	Stationery, Typewriters, etc. ... ..	39	11	5			
					130	6	0
	Carried forward ... ..				919	14	8

*Excess of Expenditure, 1900-1.*

		£	s.	d.	£	s.	d.
	Brought forward ...	...	...	...	919	14	8
<b>COLONIAL TREASURER.</b>							
<b>Treasury.</b>							
SALARIES, PROVISIONAL AND TEMPORARY—£53 1s.							
44	Temporary Clerical Assistance ...	42	16	8			
J	Acting Treasury Cashier, Cue ...	10	4	4			
CONTINGENCIES—£353 1s. 9d.							
47	Incidental Expenses (including Travelling Expenses) ...	142	12	4			
48	Postage, Telephone Rent, and Foreign Telegrams ...	210	9	5			
					406	2	9
• London Agency.							
SALARIES, PROVISIONAL AND TEMPORARY—£235 19s. 1d.							
J	Lecturer, six months at £500 per annum ...	126	8	3			
J	Clerk ...	109	10	10			
CONTINGENCIES—£524 4s. 8d.							
9	Rent of Offices (including Cleaning, Fuel, and Light) ..	23	14	1			
10	Postage, Telephone Rent, and Telegrams ...	250	10	7			
J	Travelling Expenses of the Hon. H. B. Lefroy to London ...	250	0	0			
					760	3	9
<b>Customs.</b>							
SALARIES, FIXED—£280 8s. 4d.							
105	Geraldton—Assistant Landing Waiter ...	10	0	0			
J	Derby—Acting Landing Waiter ...	27	10	0			
J	Derby—Acting Landing Waiter ...	13	15	0			
J	Perth—Landing Waiter ...	125	0	0			
J	Bookkeeper ...	104	3	4			
SALARIES, PROVISIONAL AND TEMPORARY—£1,087 11s. 1d.							
140	Tide Waiters and Landing Waiters, etc., occasionally employed, and Temporary Clerical Assistance ...	1087	11	1			
ALLOWANCES—£54 12s.							
J	Tropical Allowance, Landing Waiter, Port Hedland ...	54	12	0			
CONTINGENCIES—£586 12s.							
144	Incidental Expenses (including Travelling Expenses) ...	284	10	2			
145	Postage, Telephone Rent, and Foreign Telegrams ...	299	12	5			
146	Stationery, Typewriters, etc. ...	2	9	5			
	Carried forward ...	2009	3	5	2086	1	2

*Excess of Expenditure, 1900-1.*

		£	s.	d.	£	s.	d.
	Brought forward ... ..	2009	3	5	2086	1	2
	<b>Customs—continued.</b>						
	<i>Explosives Branch.</i>						
	SALARIES, PROVISIONAL AND TEMPORARY—£27 14s.						
158	Extra Labour... ..	27	14	0			
	CONTINGENCIES—£8 5s.						
159	Incidental Expenses (including Travelling Expenses) ... ..	8	5	0			
	<i>Excise Branch.</i>						
	CONTINGENCIES—£33 17s.						
166	Incidental Expenses (including Travelling Expenses) ... ..	19	4	8			
J	Postage, Telephone Rent, and Foreign Telegrams ... ..	13	7	5			
J	Stationery ... ..	1	4	11			
					2078	19	5
	<b>Harbour and Light.</b>						
	SALARIES, FIXED—£71 8s. 3d.						
J	Rottneest, Boatman ... ..	71	8	3			
	CONTINGENCIES—£1,179 17s. 10d.						
97	Firewood, Transport, etc., for Breaksea Island, Point King, and Jarman Island ... ..	40	6	0			
98	Oil, etc., for Lighthouses ... ..	61	18	1			
100	Repairs and Purchase of Boats ... ..	186	14	5			
101	Upkeep and Insurance, Uniforms for Officers and Crew of "Penguin" ... ..	352	10	9			
103	Incidental Expenses (including Travelling Expenses) ... ..	442	18	10			
106	Stationery, Typewriters, etc. (including Charts, Books, etc.) ... ..	24	1	6			
	STEAM TUG "VICTORIA"—£277 11s. 10d.						
108-113	1 Engineer at £193, 1 Artificer (11 months, £152), 2 Sailors at £9 per month each, 2 Firemen at £9 10s. per month each	11	10	5			
	CONTINGENCIES—£266 1s. 5d.						
115	Coal, Ship and Engine Room Stores ... ..	251	2	6			
116	Incidental Expenses (including Insurance) ... ..	14	18	11			
					1457	9	8
	<b>Government Stores.</b>						
	CONTINGENCIES—£112 16s. 10d.						
16	Postage, Telephone Rent, and Foreign Telegrams ... ..	69	2	6			
20	Advertising ... ..	43	14	4			
					112	16	10
	Carried forward ... ..				5785	7	1

*Excess of Expenditure, 1900-1.*

		£	s.	d.	£	s.	d.
	Brought forward ... ..	...			5785	7	1
	<b>Literary, Scientific, and Agricultural Grants, Etc.</b>						
2	Mechanics' Institutes and Working Men's Associations and Art Societies ... ..	422	10	0			
3	Agricultural and Horticultural Societies ... ..	671	0	0			
					1093	10	0
	<b>Pensions.</b>						
17	Joyce, W., late Issuer, Central Board of Education, 1st July, 1900, to 15th August, 1900 ... ..	2	0	1			
J	Bovell, J., late Senior Warder, Fremantle Prison ... ..	46	0	4			
J	Fuchs, C., late Assistant Accountant, Railway Department ... ..	66	13	4			
J	Hawkins, Mrs., widow of the late Chief Attendant, Fremantle Lunatic Asylum ... ..	16	13	4			
J	Adam, J., late Resident Magistrate, Northam ... ..	20	8	8			
J	Courthope, Mrs., widow of the late Auditor General ... ..	4	3	4			
J	Pether, R., late Government Printer ... ..	66	16	1			
					222	15	2
	<b>Refunds.</b>						
1	Refunds ... ..	...			380	7	9
	<b>Miscellaneous Services, £38,845 13s. 5d.</b>						
3	Incidental Expenses ... ..	1966	13	2			
8	Improvement of Recreation Grounds generally ... ..	3010	18	0			
9	Commission on Interest paid by the Crown Agent and the London and Westminster Bank ... ..	370	7	6			
17	Coolgardie Mining Exhibition ... ..	310	8	10			
18	Paris Exhibition ... ..	10436	14	5			
19	Glasgow Exhibition ... ..	2212	17	8			
20	Law Costs ... ..	96	0	3			
39	Contribution towards Fire Brigade Board... ..	97	2	5			
48	Grant to North Fremantle Municipal Council, for Sanitary Scheme ... ..	300	0	0			
53	Grant to W.A. Chamber of Manufactures, £ for £ raised by subscription, and £100 Annual Grant ... ..	39	15	0			
J	Special Grant to Menzies Municipal Council, for Filling Shafts ... ..	125	0	0			
J	Grant-in-Aid Boulder Cemetery ... ..	200	0	0			
J	Grant-in-Aid Fencing Boyanup Cemetery ... ..	50	0	0			
J	Grant-in-Aid Fencing and Clearing Capel Cemetery... ..	50	0	0			
J	Grant-in-Aid Improving Cossack Cemetery ... ..	50	0	0			
J	Grant-in-Aid Fencing and Clearing Greenbushes Cemetery ... ..	100	0	0			
J	Grant-in-Aid Improving Kanowna Cemetery ... ..	50	0	0			
J	Grant-in-Aid Katanning Cemetery ... ..	50	0	0			
J	Grant-in-Aid Fencing and Clearing Lennonville Cemetery ... ..	25	0	0			
J	Grant-in-Aid Improving Mount Magnet Cemetery ... ..	50	0	0			
J	Grant-in-Aid Fencing Moora Cemetery ... ..	15	0	0			
	Carried forward ... ..	19605	17	3	7382	0	0



*Excess of Expenditure, 1900-1.*

		£	s.	d.	£	s.	d.
	Brought forward ... ..	19605	17	3	7382	0	0
<b>Miscellaneous Services—continued.</b>							
J	Grant-in-Aid Improvements Pingelly Cemetery ... ..	25	0	0			
J	Grant-in-Aid Clearing Preston Cemetery ... ..	100	0	0			
J	Grant to Kalgoorlie Fire Brigade (Special) ... ..	200	0	0			
J	Grant to Subiaco Fire Brigade ... ..	250	0	0			
J	Grant to Bulong Municipal Council for Water Supply for Fire Brigade ... ..	250	0	0			
J	Grant to Victoria Park Fire Brigade for Appliances ... ..	50	0	0			
J	Expenses in connection with the Visit of Their Royal High- nesses the Duke and Duchess of Cornwall and York ... ..	308	14	9			
J	Shortage in Cash Account of Bookkeeper (J. L. Mulligan), Central Board of Health ... ..	21	18	8			
J	Defalcations of H. E. Seager, late Bailiff, Cue ... ..	13	6	6			
J	Day Dawn, Postal Receipts stolen <i>in transitu</i> ... ..	94	16	0			
J	Defalcations E. von Bibra, late Clerk of Courts, Coolgardie ... ..	41	3	8			
J	Shortage in Cash Account of the late Clerk of the Local Court, Perth ... ..	1	10	0			
J	Cash stolen from Safe of Registrar, Supreme Court ... ..	10	18	6			
J	Cash stolen from Katanning Land Office ... ..	114	15	5			
J	Expenses Royal Commission on Railways and Customs Depart- ments ... ..	1286	16	11			
J	Expenses Board of Inquiry into Charges against R. J. Wilson, Telegraph Operator ... ..	37	15	8			
J	Expenses Royal Commission on Collie Coal Dispute ... ..	276	19	8			
J	Award and Costs in <i>re</i> Cross <i>v.</i> Crown ... ..	338	7	6			
J	Award and Costs in <i>re</i> Barratt & Sons <i>v.</i> Crown ... ..	659	3	8			
J	Award to West Australian Bank <i>v.</i> Crown in <i>re</i> Postmaster, Kalgoorlie, Official Account ... ..	4278	15	9			
J	Costs in <i>re</i> Hutchinson <i>v.</i> Commissioner of Railways ... ..	1	17	0			
J	Expenses in connection Perth Ice Company's Frauds ... ..	499	6	8			
J	Grant to Mount Morgan Municipal Council for Municipal Purposes ... ..	400	0	0			
J	Grant to Mount Malcolm Municipal Council for Municipal Purposes ... ..	200	0	0			
J	Grant to Leonora Municipal Council for Municipal Council Purposes ... ..	250	0	0			
J	Commonwealth Celebrations, Expenses of ... ..	3367	9	1			
J	Grant to Bridgetown Local Boards of Health for straightening Geegelup Brook ... ..	100	0	0			
J	Grant for Improvements to Norseman Racecourse ... ..	50	0	0			
J	Grant for Improving Bunbury Hospital Grounds ... ..	200	0	0			
J	Survey Starvation Boat Harbour ... ..	240	8	2			
J	Gratuities to the Widow of the late Colonel Phillips, Com- missioner of Police, £450; and the two Miss Phillips, £150 each ... ..	750	0	0			
J	Erection of a Monument to the late Ernest Giles ... ..	60	5	6			
J	Compassionate Allowance to Captain Cassell for injuries received whilst in discharge of his duties as Police Instructor ... ..	50	0	0			
	Carried forward ... ..	84135	6	4	7382	0	0

*Excess of Expenditure, 1900-1.*

		£	s.	d.	£	s.	d.
	Brought forward ... ..	34135	6	4	7382	0	0
<b>Miscellaneous Services—continued.</b>							
J	Compassionate Allowance to the Widow of the late George Nettle, late Railway Employee ... ..	40	0	0			
J	Compassionate Allowance to the Widow of the late J. Gould, late Railway Employee ... ..	100	0	0			
J	Compassionate Allowance to the Widow of the late C. H. Lack, late Railway Employee ... ..	400	0	0			
J	Draping the Public Buildings on the occasion of Her Majesty Queen Victoria's death. ... ..	52	11	8			
J	Honorarium to Major Campbell for services rendered in connection with the despatch of West Australian Troops to South Africa ... ..	100	0	0			
J	Grant to the Island Progress Committee for erection of Water Supply Buildings ... ..	30	0	0			
J	Compensation to David Andrew for cancellation of Application 48/4539 under Lands Regulation ... ..	82	7	6			
J	Purchase of portion Victoria Location 1010 for school purposes at Walkaway ... ..	9	0	0			
J	Purchase of Dongara School Site, portion of Victoria Location 317 ... ..	220	0	0			
J	Part purchase of the Homebush Farm, near Cookernup ... ..	170	0	0			
J	Purchase of lots 28-32, inclusive of Section 37 of Location V., Bayswater Schoolmaster's Residence ... ..	450	0	0			
J	Purchase of portion of Leschenault Location 26 for Bunbury Recreation Ground ... ..	7	0	0			
J	Purchase of portion of Leschenault Location 36 for Bunbury Hospital ... ..	350	0	0			
J	Purchase Gingin Schoolmaster's Quarters ... ..	451	14	6			
J	Delegation to London in connection with the Commonwealth Bill ... ..	300	0	0			
J	Compensation to P. J. McMahon for forfeiture of Business Area ... ..	200	0	0			
J	Grant to York Municipal Council for clearing River Avon ... ..	200	0	0			
J	Expenses in connection with the Opening of Federal Parliament ... ..	16	10	0			
J	Costs in re Resumption Wellington Location No. 1 ... ..	516	13	9			
J	Award to Messrs. Dalgety and Co., under Land Regulation, for Loss of Improvements to Lease ... ..	196	1	6			
J	Compensation to M. J. Morrissey for Resumption of Wells on Lease 67/374 ... ..	45	0	0			
J	Purchase of 10,000 Copies of the <i>Review of Reviews</i> ... ..	266	7	6			
J	Grant to Swannery in Perth Water ... ..	122	0	0			
J	Bonus for Lead Ore ... ..	121	14	0			
J	Purchase of Site, Schoolmaster's Quarters, Woodville ... ..	70	0	0			
J	Payment made by the Official Receiver erroneously in the Estate of T. Williams, a Bankrupt ... ..	193	6	8			
					38845	13	5
<b>Premier's Department.</b>							
<b>SALARIES, FIXED—£12 10s.</b>							
J	Clerk ... ..	12	10	0			
	Carried forward ... ..	12	10	0	46227	13	5

*Excess of Expenditure, 1900-1.*

		£	s.	d.	£	s.	d.
	Brought forward ...	12	10	0	46227	13	5
	<b>Premier's Department—continued.</b>						
	CONTINGENCIES—£194 18s. 9d.						
6	Incidental Expenses ...	13	15	0			
7	Postage, Telephone Rent, and Foreign Telegrams ...	146	0	3			
8	Stationery ...	35	3	6			
					207	8	9
	<b>Police.</b>						
	SALARIES, FIXED—£2,401 11s. 6d.						
55-82	28 Corporals at 9s. 6d. per day ...	483	10	6			
83-256	174 First-class Constables at 8s. 6d. per day ...	919	18	0			
257-453	197 Second-class Constables at 7s. 6d. per day ...	765	10	0			
469-492	24 Probation Constables at 6s. per day each ...	242	13	0			
	WATER POLICE—£111 7s. 6d.						
495-505	11 Constables at 8s. 6d. per day each ...	25	12	6			
506-517	12 Constables at 7s. 6d. per day each ...	85	15	0			
	SALARIES, PROVISIONAL AND TEMPORARY—£12 12s. 2d.						
537	Special Constables and Native Trackers ...	12	12	2			
	ALLOWANCES—£955 8s. 8d.						
538	Lodging Allowance in lieu of Quarters ...	475	19	2			
539	Ration Allowance—Special to Police in certain Districts ...	111	6	6			
540	Allowance for Maintenance of Native Trackers ...	368	3	0			
	CONTINGENCIES—£2,018 11s. 9d.						
544	Clothing ...	339	3	11			
545	Remounts ...	236	16	8			
548	Shoeing and Saddlery ...	393	10	4			
549	Forage ...	526	13	2			
550	Rent ...	16	13	1			
551	Fuel and Light for Lockups and Stations ...	125	16	5			
554	Postage, Telephone Rent, and Foreign Telegrams ...	320	7	6			
555	Stationery, Typewriters, etc. ...	59	10	8			
					5509	11	7
	<b>Defences.</b>						
	<b>Land Forces.</b>						
	SALARIES, PROVISIONAL AND TEMPORARY—£558 14s. 4d.						
8	Messenger ...	34	13	4			
9-14	6 Infantry Instructors, at £150 per annum ...	100	0	0			
J	Acting Accountant ...	70	0	0			
J	3 Infantry Instructors ...	225	0	0			
J	Stores and Magazine Caretakers (Artillery) ...	12	2	0			
J	Stores and Magazine Caretakers (Infantry) ...	12	2	0			
J	Clerical Assistance ...	104	17	0			
	Carried forward ...	558	14	4	51944	13	9

*Excess of Expenditure, 1900-1.*

		£	s.	d.	£	s.	d.
	Brought forward ...	558	14	4	51944	13	9
	<b>Defences—continued.</b>						
	<b>ALLOWANCES—£164 4s. 11d.</b>						
J	Lodging Allowances Drill Instructors ...	164	4	11			
	<b>CONTINGENCIES—£4,197 4s. 4d.</b>						
72	Harness and Maintenance Artillery and Mounted Infantry ...	37	5	0			
74	Small Arms, care and Maintenance of, and Gymnastic Appliances ...	3250	8	10			
79	Incidental Expenses (including Rail Fares and Travelling Expenses) ...	566	17	5			
83	Accoutrements ...	183	3	11			
86	Postage, Telegrams, and Telephone Rent ...	104	12	3			
87	Stationery, Typewriters, etc. ...	54	16	11			
	<b>Federal Forces.</b>						
	<b>SALARIES, PROVISIONAL AND TEMPORARY—£4 6s. 1d.</b>						
J	Inspector of Warlike Stores (proportion of salary) ...	4	6	1			
	<b>CONTINGENCIES—£25,630 19s.</b>						
91	Maintenance of Garrison, Thursday Island, Contribution towards ...	123	10	8			
92	Expenses in connection with Military Unit sent to South Africa, including deferred pay £14,539, and deducting moneys due by the Imperial Government to 31st December, 1900 ...	22709	19	11			
J	Commonwealth Contingencies ...	2341	12	11			
J	Expenses in connection Opening Federal Parliament ...	455	15	6			
					30555	8	8
	<b>COMMISSIONER OF RAILWAYS.</b>						
	<b>Railways and Tramways.</b>						
	<b>SALARIES, FIXED—£632 17s. 1d.</b>						
	<b>Under Secretary's Branch.</b>						
1	Under Secretary ...	50	0	0			
6	Clerk ...	17	19	11			
	<b>General Manager's Branch.</b>						
J	Inspector (1) ...	91	7	11			
	<b>Chief Accountant's Branch.</b>						
J	Cadet (1) ...	22	7	4			
	Carried forward ...	181	15	2	82500	2	5

*Excess of Expenditure, 1900-1.*

		£	s.	d.	£	s.	d.
	Brought forward ... ..	181	15	2	82500	2	5
	<b>Railways and Tramways—continued.</b>						
	<b>SALARIES, FIXED—continued.</b>						
	<i>Chief Traffic Manager's Branch.</i>						
106	Station Master (1) ... ..	1	13	4			
628	Cadet (1) ... ..	20	0	0			
639	Cadet (1) ... ..	12	10	0			
J	Goods Agent (1) ... ..	175	0	0			
	<i>Chief Mechanical Engineer's Branch.</i>						
698	Foreman (1) ... ..	25	0	0			
718	Clerk (1) ... ..	10	0	0			
719	Clerk (1) ... ..	2	0	0			
747	Clerk (1) ... ..	9	14	2			
753	Clerk (1) ... ..	10	0	0			
758	Clerk (1) ... ..	5	0	0			
761	Clerk (1) ... ..	5	0	0			
763	Clerk (1) ... ..	4	0	0			
768	Clerk (1) ... ..	5	0	0			
771	Clerk (1) ... ..	4	0	0			
776	Clerk (1) ... ..	5	0	0			
J	Clerk (1) ... ..	157	4	5			
	<b>SALARIES, PROVISIONAL AND TEMPORARY—£88,039 4s. 11d.</b>						
898	Temporary Clerical Assistance, Wages of Packers, Foremen, Guards, Assistant Guards, Conductors, Signalmen, Head Shunters, Shunters, Head Porters, Porters, Youth Porters, Labourers, Watchmen, Gatekeepers, Checkers, Number Takers, Telephone Boys, Ticket Collectors, Carriage Cleaners, Vanmen, Tinsmiths, Townsmen, Charwomen, etc.; Foremen, Mechanics, Drivers, Firemen, Cleaners, Labourers, Pumpers, Examiners, etc.; Mechanics, Gangers, Platelayers, Labourers, etc.; Workshop and Electric Light Employees, Instrument Inspectors, Fitters, Engine-drivers, Carpenters, etc.; Linemen, Labourers; Interlocking Fitters (classified according to regulations); also overtime and extra labour.	88031	11	5			
	<b>CONTINGENCIES—£73,813 9s. 1d.</b>						
900	Materials and Stores of all kinds for the working of the Railways ... ..	65367	15	4			
901	Incidental and Miscellaneous Expenses, including Travelling Expenses, Printing, Stationery, Postage, Telegrams, and Telephone Rent, etc. ... ..	6513	19	9			
903	Compensations, Claims for loss and detention of and damage to Goods, etc., and loss of Life or Personal Injuries ... ..	1926	10	0			
	<i>New Works and Improvements.</i>						
	<b>SALARIES, PROVISIONAL AND TEMPORARY—£3 6s. 8d.</b>						
913	Draftsman (1) ... ..	3	6	8			
	Carried forward ... ..	162476	0	3	82500	2	5

*Excess of Expenditure, 1900-1.*

		£	s.	d.	£	s.	d.
	Brought forward ... ..	162476	0	8	82500	2	5
	<b>Railways and Tramways—continued.</b>						
	CONTINGENCIES—£4,812 11s. 11d.						
939	Improvements and Renewals, Existing Lines, chargeable to Revenue ... ..	4812	11	11	167288	12	2
	<b>Public Works.</b>						
	<i>General Division.</i>						
	SALARIES, PROVISIONAL AND TEMPORARY—£318 1s. 7d.						
J	Clerk (1) ... ..	15	1	1			
J	Typist (1) ... ..	22	18	4			
J	Caretaker Coolgardie Exhibition Buildings ... ..	104	0	0			
J	Clerk (1) ... ..	50	0	0			
J	Clerk (1) ... ..	61	18	10			
J	Clerk (1) ... ..	64	8	4			
	CONTINGENCIES—£3,180 18s. 9d.						
63	Postages and Private Letter Boxes and Telephone Rents ...	319	12	4			
64	Stationery and Office Requisites ... ..	611	1	2			
65	Advertising ... ..	698	4	3			
66	Allowances and Travelling Expenses ... ..	799	19	9			
69	Railway Fares ... ..	229	9	8			
73	Office Accommodation rented ... ..	527	7	0			
	<i>Engineering Division.</i>						
	HARBOUR AND RIVER WORKS—£285 4s. 9d.						
	(Excepting Fremantle Harbour Works.)						
J	Assistant Engineer (1) ... ..	105	16	1			
J	Travelling Supervisor (1) ... ..	83	6	8			
J	Assistant Engineer (1) ... ..	96	2	0			
	ROADS AND BRIDGES WORK—£1,328 7s. 2d.						
104	Roads and Bridges throughout the Colony ... ..	1328	7	2			
	BRIDGES—£1,302 15s. 0d.						
112	Forrest Street, Cottesloe, Bridge over Railway ... ..	378	17	0			
115	Guildford, Barker's Bridge over Swan River ... ..	260	12	8			
118	Marbellup Creek Bridge ... ..	14	17	11			
124	Preston, Thompson's Brook Bridge ... ..	0	14	0			
128	Swan River, Survey for Proposed Bridge at the Narrows ...	1	16	2			
129	Toodyay, Newcastle Town Bridge over Avon River, including Small Temporary Bridge ... ..	646	7	8			
	Carried forward ... ..	6415	2	3	249789	4	7

*Excess of Expenditure, 1900-1.*

		£	s.	d.	£	s.	d.
	Brought forward ... ..	6415	2	3	249789	4	7
<b>Public Works—continued.</b>							
<b>ROADS—£5,738 11s.</b>							
142	Claremont, Footpath to Bay ... ..	50	0	0			
168	Kalgoorlie, Maritana Street, between Egan Street and Boundary	300	0	0			
171	Kalgoorlie, Boulder and Mines Road ... ..	500	0	0			
176	Menzies, Roads in Municipality ... ..	100	0	0			
187	Perth Park Circular Road ... ..	3875	0	0			
191	Port Hedland Causeway Repairs ... ..	788	14	8			
194	Roebourne, Cossack-Roebourne Road Maintenance ... ..	75	3	8			
195	Roebourne, Harding River Crossing ... ..	14	16	7			
201	Swan Road, between Chittering Road and Bull's Brook Siding, including Small Bridge ... ..	34	16	1			
<b>Harbour and River Works—£1,187 16s. 10d.</b>							
<i>(Excepting Fremantle Harbour Works.)</i>							
208	Additions and Repairs to Jetties, Stockyards, and River Improvements ... ..	131	3	11			
213	Dongara Jetty Extension ... ..	779	14	11			
218	Port Hedland, Small Goods Shed at foot of New Jetty ... ..	6	11	6			
223	Hauling up privately owned Vessels on Fremantle Slip ... ..	270	6	6			
<b>General Water Supply Works.</b>							
<i>(Provision for Staff and Construction Works made on Loan Estimates.)</i>							
<b>WAGES, PROVISIONAL AND TEMPORARY—£158 19s. 9d.</b>							
225	Murchison and Peak Hill Goldfields—Wages of Caretakers, Yardsmen, and Drivers, etc. ... ..	126	19	9			
226	Pilbarra Goldfields—Wages of Caretakers, Yardsmen, and Drivers, etc. ... ..	32	0	0			
<b>CONTINGENCIES—£345 8s. 6d.</b>							
228	Eastern Goldfields—Upkeep of Bores, Condensers, Claypans, Lagoons, Reservoirs, Soaks, Tanks, Roads, etc. ... ..	426	7	8			
230	Pilbarra Goldfields—Upkeep of Bores, Condensers, Claypans, Lagoons, Reservoirs, Soaks, Tanks, Roads, etc. ... ..	336	16	6			
231	Other Goldfields ... ..	82	4	4			
<b>OTHER SERVICES—£2,288 13s. 10d.</b>							
233	Maintenance of Water Supplies ... ..	60	7	2			
235	Derby Water Supply ... ..	1754	6	11			
240	Yardarino (West Dongara) Water Supply Boring ... ..	473	19	9			
<b>Fremantle Water Supply.</b>							
<b>SALARIES, PROVISIONAL AND TEMPORARY—£374 1s. 3d.</b>							
257	Wages of Mechanics, etc. ... ..	374	1	3			
	Carried forward ... ..	17008	13	5	249789	4	7

*Excess of Expenditure, 1900-1.*

		£	s.	d.	£	s.	d.
	Brought forward ... ..	17008	13	5	249789	4	7
	<b>Public Works—continued.</b>						
	<b>CONTINGENCIES—£100 6s. 8d.</b>						
258	Materials, Upkeep, Services to Houses, etc. ... ..	100	6	8			
	<i>Engineering Surveys and Railway Construction—£2,056 15s. 8d.</i> (Provision for Staff and other Construction Works made on Loan Estimate.)						
J	Esperance, Grant for Road-making ... ..	250	0	0			
J	Tuckanarra Progress Committee, Grant for Street Clearing, etc.	200	0	0			
J	Port Hedland, Extension of Jetty Tramway and Completion of Approach Road to New Goods Shed ... ..	306	15	3			
J	Special Grant for Widening and Improvements to Havelock Street ... ..	400	0	0			
J	Collie Township Drainage ... ..	200	0	0			
J	Grant to Leederville Municipality ... ..	500	0	0			
J	Carnarvon Water Supply ... ..	200	0	0			
					19166	5	4
	<b>Public Buildings.</b>						
	<i>Architectural Division.</i>						
	<b>SALARIES PROVISIONAL AND TEMPORARY.—£152 0s. 6d.</b>						
	<i>Chief Architect's Office.</i>						
22	1st Class Draftsman ... ..	19	3	4			
	<b>GENERAL SUPERVISION.</b>						
	<i>(Exclusive of Goldfields and N.W.)</i>						
J	Quantity Surveyor (1) ... ..	49	10	6			
J	Draftsman (1) ... ..	83	6	8			
	<b>BUILDINGS AND OTHER SERVICES FOR THE COLONIAL SECRETARY'S DEPARTMENT.</b>						
	<i>Hospitals and Quarantine Stations—£5,963 12s. 0d.</i>						
71	Additions and Repairs to Existing Buildings ... ..	64	8	7			
72	Broome Hospital and Quarters ... ..	1616	9	0			
73	Bridgetown Hospital, Additions ... ..	9	16	5			
78	Fremantle Asylum, Refractory Cells ... ..	293	16	4			
87	Whitby Auxiliary Lunatic Asylum, Additions and Water Supply ... ..	457	16	0			
90	Woodman's Point Bubonic Plague Buildings ... ..	3025	18	8			
J	Coolgardie Hospital, Surgical Ward, Erection of ... ..	495	7	0			
	<i>Goals and Quarters—£722 3s. 11d.</i>						
94	Fremantle Prison and Warders' Quarters, General Repairs ...	340	18	9			
95	Fremantle Prison Workshops ... ..	381	5	2			
	Carried forward ... ..	6837	16	5	268955	9	11



*Excess of Expenditure. 1900-1.*

		£	s.	d.	£	s.	d.
	Brought forward ... ..	6837	16	5	268955	9	11
<b>Public Buildings—continued.</b>							
<b>BUILDINGS AND OTHER SERVICES FOR THE COLONIAL SECRETARY'S DEPARTMENT—continued.</b>							
<i>Libraries, Museums, Observatories, etc.—£209 16s. 5d.</i>							
101	Fremantle Time Ball, with wire from Lighthouse to Observatory	105	12	10			
102	Perth Observatory, including instruments, etc., erection thereof, Furniture, and Astronomical Buildings ... ..	46	17	11			
104	Perth Observatory, Fencing and Laying out Grounds ... ..	57	5	8			
<i>Magistrates' Residences—£493 2s. 2d.</i>							
107	Additions and Repairs to Existing Buildings ... ..	493	2	2			
<b>BUILDINGS AND OTHER SERVICES FOR THE COLONIAL TREASURER'S DEPARTMENT.</b>							
<i>Customs, Bonded Stores, Explosives Magazines, etc.—£681 18s. 2d.</i>							
111	Fremantle Government Store, Iron Racks, Weather Sheds, and other Additions ... ..	482	18	2			
117	Port Hedland Customs Office and Quarters ... ..	199	0	0			
<i>Police Stations and Quarters—£1,446 14s. 2d.</i>							
118	Additions and Repairs to Existing Buildings ... ..	63	2	8			
127	Marble Bar, Lockup and Quarters ... ..	145	0	1			
129	Mount Morgan, Lockup, Quarters, and Stabling ... ..	10	11	5			
134	Perth, Central Station Stables ... ..	1228	0	0			
<i>Defences—£161 7s. 9d.</i>							
136	Additions and Repairs to Existing Buildings ... ..	121	14	8			
138	Karrakatta Military Camp, Windmill and Tanks ... ..	39	13	1			
<b>BUILDINGS AND OTHER SERVICES FOR THE ATTORNEY GENERAL'S DEPARTMENT.</b>							
<i>Court Houses—£1,798 16s. 6d.</i>							
J	Temporary Supreme Court Buildings ... ..	1698	16	6			
J	Collie, Clerk of Court's Quarters, Erection of ... ..	100	0	0			
<b>BUILDINGS AND OTHER SERVICES FOR THE POST AND TELEGRAPH DEPARTMENT.</b>							
<i>Post and Telegraph Offices—£3,891 8s. 5d.</i>							
150	Additions and Repairs to Existing Buildings ... ..	140	18	2			
152	Albany, Post Office, Raising Tower ... ..	61	8	6			
155	Fremantle (East), Post and Telegraph Office ... ..	899	0	0			
158	Guildford, Post Office Clock and Raising Tower ... ..	305	16	0			
159	Israelite Bay, Water Supply along Telegraph Line ... ..	5	7	10			
	Carried forward ... ..	13042	2	1	268955	9	11

*Excess of Expenditure, 1900-1.*

		£	s.	d.	£	s.	d.
	Brought forward ... ..	13042	2	1	268955	9	11
<b>Public Buildings--continued.</b>							
<b>BUILDINGS AND OTHER SERVICES FOR THE POST AND TELEGRAPH DEPARTMENT--continued.</b>							
160	Israelite Bay, Repairs and Alterations to Post Office ... ..	22	3	6			
163	Laverton, Post Office, Additions... ..	100	0	0			
165	Mount Morgan, Post Office ... ..	182	17	6			
168	Perth (Head Office), Additions ... ..	1444	1	1			
169	Perth (South), Post Office ... ..	263	18	8			
172	Smith's Mill, Post Office ... ..	11	7	0			
174	Walkaway Post Office, Additions ... ..	68	13	2			
J	Kookynie Post Office, Removal from Niagara ... ..	386	2	0			
<b>BUILDINGS AND OTHER SERVICES FOR THE MINES DEPARTMENT—£1,238 19s. 6d.</b>							
175	Additions and Repairs to Existing Buildings ... ..	626	8	5			
178	Laverton, Offices ... ..	51	18	7			
179	Mount Malcolm, Inspector of Mines' Quarters ... ..	222	10	0			
J	Kookynie, Warden's Office, Removal of ... ..	338	2	6			
<b>BUILDINGS FOR THE LANDS AND SURVEYS DEPARTMENT—£72 17s. 9d.</b>							
185	Point Walter Water Supply ... ..	72	17	9			
<b>BUILDINGS AND OTHER SERVICES FOR THE EDUCATION DEPARTMENT.</b>							
<b>Day Schools—£6,888 11s. 11d.</b>							
187	Additions and Repairs to Existing Buildings ... ..	732	8	0			
193	Beverley School, Additions and Alterations ... ..	90	0	0			
195	Boulder School, Additions ... ..	564	1	2			
197	Boulder Mines, School Quarters ... ..	48	0	0			
201	Brown Hill Residence Area, Quarters ... ..	70	0	0			
204	Brown Hill Residence Area, School ... ..	792	12	10			
207	Bunbury, Alterations to School Buildings... ..	134	0	0			
212	Cuballing School Quarters ... ..	2	7	3			
215	Coolgardie School, Additions ... ..	136	8	10			
221	Fremantle, North, School, Additions ... ..	171	9	3			
222	Guildford School and Quarters, Additions ... ..	68	0	0			
227	Geraldton School, Additions ... ..	746	13	5			
231	Highgate Infants' School, Additions ... ..	44	16	8			
236	Kalgoorlie School, Additions ... ..	1133	8	2			
239	Kookynie School ... ..	112	8	6			
245	Midland Junction School Quarters ... ..	10	19	3			
253	Northam School and Quarters, Additions ... ..	308	10	2			
255	Perth, Newcastle Street, School, Additions ... ..	233	4	9			
260	Plympton Infants' School, Additions ... ..	268	8	0			
263	Quindanning School Quarters ... ..	141	17	0			
265	Subiaco Infants' School, Hall and Class Room ... ..	332	0	0			
269	Wedgescarrup (near Wagin), School and Quarters ... ..	37	5	4			
	Carried forward ... ..	23011	15	10	268955	9	11

*Excess of Expenditure, 1900-1.*

		£	s.	d.	£	s.	d.
	Brought forward	23011	15	10	268955	9	11
<b>Public Buildings—continued.</b>							
<b>BUILDINGS AND OTHER SERVICES FOR THE EDUCATION DEPARTMENT—continued.</b>							
J	Coalville School, Additions	402	8	4			
J	Phillips River School, Erection of	155	10	0			
J	Lake View Area School, Class Room	152	0	0			
<b>BUILDINGS AND SERVICES NOT CLASSIFIED UNDER ANY SPECIFIED DEPARTMENT—£1,017 4s. 4d.</b>							
282	Additions and Repairs to Public Buildings not otherwise provided for	498	8	3			
291	Legislative Council Chamber, Improvements	349	19	10			
294	Pilbarra, Office for Water Supply	66	7	0			
295	Refrigerating Works, Additions and Annual Overhaul	25	7	7			
J	Dongara, Buildings for Prevention of Sand Drift	77	1	8			
<b>GRANTS-IN-AID FOR MUNICIPAL AND OTHER BUILDINGS—£1,650.</b>							
311	Derby Mechanics' Institute	100	0	0			
325	Katanning Mechanics' Institute	100	0	0			
327	Menzies Municipal Buildings	250	0	0			
J	Coolgardie Mechanics' Institute	250	0	0			
J	Capel Agricultural Hall, Improvements	50	0	0			
J	Cue Amalgamated Workers' Association Hall	200	0	0			
J	Bulong Amalgamated Workers' Association Hall	100	0	0			
J	Morning Star Workers' Hall	100	0	0			
J	Nannine Miners' Institute	100	0	0			
J	Kanowna Workers' Hall	100	0	0			
J	Paddington Workers' Hall	100	0	0			
J	Sons of Gwalia Workers' Hall	200	0	0			
<b>FURNITURE FOR PUBLIC BUILDINGS—£1,957 16s. 1d.</b>							
345	Furniture for Public Offices	1668	8	6			
J	Legislative Council Chamber, Furniture and Additions	199	2	3			
J	Perth, General Post Office, Furniture for new rooms	6	0	0			
J	Broome Hospital, Furniture	84	5	4			
					28346	9	7
<b>COMMISSIONER OF CROWN LANDS.</b>							
<b>Lands and Surveys.</b>							
<b>SALARIES FIXED—£826 17s.</b>							
<b>Division VII.—Land Agencies.</b>							
37	Land Agent, Katanning	30	0	0			
	Carried forward	30	0	0	297291	9	6

*Excess of Expenditure, 1900-1.*

		£	s.	d.	£	s.	d.
	Brought forward ... ..	30	0	0	297291	9	6
<b>Lands and Surveys—continued.</b>							
<b>SALARIES, FIXED—continued.</b>							
<b>Division IX.—Surveyor General.</b>							
164	Survey Assistant, Chainmen, and Labourers occasionally employed ... ..	16	6	6			
J	Computing Draftsman ... ..	34	3	3			
J	Clerk, Katanning ... ..	32	10	0			
J	Salaries and Wages in connection with Kimberley Exploration Expedition ... ..	553	2	8			
J	Land Agent, Coolgardie ... ..	25	0	0			
J	Extra Clerical Assistance ... ..	87	15	3			
J	Clerk (1) ... ..	8	4	8			
J	Clerk (1) ... ..	10	8	0			
J	Assistant Surveyor ... ..	15	6	8			
J	Shorthand Writer ... ..	14	0	0			
<b>ALLOWANCES—£12 10s.</b>							
165-171	Forage and Travelling for Inspectors of Lands (7), at £150 per annum each (2 for 6 months only) ... ..	12	10	0			
<b>CONTINGENCIES—£6,567 0s. 10d.</b>							
173	Incidental Expenses ... ..	304	19	7			
174	Advertising ... ..	1269	9	8			
175	Travelling and Transport ... ..	138	8	8			
176	Margaret River Caves Improvements ... ..	150	0	0			
177	Surveys ... ..	838	10	6			
178	Expenses in connection with Surveys, including purchase of Horses and equipment for Surveyors, Forage for Horses, Repairs to Equipment, Freight and Carriage, Travelling ... ..	1159	3	4			
180	Rent of Offices ... ..	104	3	4			
181	Postage, Telephone Rent, and Foreign Telegrams ... ..	309	5	0			
182	Stationery, Typewriters, etc. ... ..	316	16	1			
J	Expenses in connection with Surveys in Kimberley District ... ..	1976	4	8			
					7406	7	10
<b>Fisheries.</b>							
<b>SALARIES, PROVISIONAL AND TEMPORARY—£147 3s. 7d.</b>							
J	Inspector, Warnbro Sound ... ..	37	10	0			
J	Clerk (1) ... ..	109	13	7			
<b>CONTINGENCIES—£118 15s. 3d.</b>							
13	Incidental Expenses (including Travelling Expenses) ... ..	118	15	3			
					265	18	10
	Carried forward ... ..				304973	16	2

*Excess of Expenditure, 1900-1.*

		£	s.	d.	£	s.	d.
	Brought forward ... ..	...			304973	16	2
	<b>Woods and Forests.</b>						
	CONTINGENCIES—£11 13s. 2d.						
19	Maintaining Nursery, Drakesbrook ... ..	4	2	3			
20	Postage, Telephone Rent, and Foreign Telegrams ... ..	0	2	0			
23	Pine, Wattle, and Sandalwood Plantations ... ..	7	7	11			
					11	13	2
	<b>Stock.</b>						
	SALARIES, PROVISIONAL AND TEMPORARY—£757 13s. 6d.						
15	Inspector, Incursion of Rabbits ... ..	100	0	0			
J	Inspector, Carnarvon ... ..	12	0	0			
J	Rabbit Inspector (1) ... ..	133	16	7			
J	Rabbit Inspectors (4) at £125 each ... ..	500	0	0			
J	Inspector, Perth ... ..	6	17	1			
J	Acting Inspector, Broome ... ..	4	19	10			
					757	13	6
	<b>Agriculture.</b>						
	CONTINGENCIES—£1,942 19s. 6d.						
27	Experimental Plots, and Quarantine Ground ... ..	79	17	7			
28	Library and Museum—Purchase of Books, Periodicals, Fruit Models, Botanical and other Specimens ... ..	42	9	7			
30	Postage, Telephone Rent, and Foreign Telegrams ... ..	43	10	10			
31	Publications ... ..	56	8	2			
34	Analysis and Chemical Investigations ... ..	23	12	6			
35	Insect Pest Act ... ..	610	10	4			
37	Noxious Weeds, Eradication of ... ..	751	13	3			
38	Conference of Producers ... ..	225	6	3			
39	National Show ... ..	109	11	0			
	<b>Government Refrigerating Works.</b>						
	CONTINGENCIES—£453 19s. 1d.						
44	Fuel, etc. ... ..	332	15	10			
J	Storage of Produce ... ..	22	5	0			
J	Exhibition of Coastal Products ... ..	98	18	3			
					2396	18	7
	<b>Agricultural Bank.</b>						
	SALARIES, PROVISIONAL AND TEMPORARY—£23 6s. 8d.						
J	Clerk (1) ... ..	23	6	8			
	CONTINGENCIES—£24 16s. 9d.						
7	Postage, Telephone Rent, and Foreign Telegrams ... ..	23	14	9			
8	Stationery, Typewriters, etc. ... ..	1	2	0			
					48	3	5
	Carried forward ... ..	...			308188	4	10

*Excess of Expenditure, 1900-1.*

						£	s.	d.	£	s.	d.
Brought forward ... ..						...			308188	4	10
<b>MINISTER OF MINES.</b>											
<b>Mines.</b>											
<b>SALARIES, FIXED—£43 10s. 2d.</b>											
<i>Correspondence Branch.</i>											
14	Clerk (1)	...	...	...	...	6	13	4			
<i>Registration Branch.</i>											
25	Clerk (1)	...	...	...	...	5	11	10			
<i>Goldfields Staff.</i>											
J	Acting Warden, East Coolgardie	...	...	...	...	31	5	0			
<b>SALARIES, PROVISIONAL AND TEMPORARY—£132 16s. 8d.</b>											
<i>Accountant's Branch.</i>											
52	Junior Clerk (1)	...	...	...	...	3	6	8			
<i>Correspondence Branch.</i>											
56	Clerk and Messenger	...	...	...	...	1	13	4			
<i>Registration Branch.</i>											
66	Clerk (1)	...	...	...	...	5	0	0			
<i>Pilbarra Goldfield.</i>											
139	Mining Registrar, Nullagine	...	...	...	...	8	6	8			
<i>Murchison Goldfield.</i>											
J	Assistant Mining Registrar, Laverton	...	...	...	...	114	10	0			
<b>MISCELLANEOUS—£201 18s.</b>											
155	Temporary Labour (including Survey Assistants, Axemen, Chainmen, Camel Drivers, Caretakers, Cleaners, Messengers, Grooms, etc.)	...	...	...	...	198	3	0			
J	Clerk (1)	...	...	...	...	3	15	0			
<b>CONTINGENCIES—£5,382 7s. 11d.</b>											
176	Water for Officers on Goldfields	...	...	...	...	6	13	3			
177	Transport	...	...	...	...	217	15	3			
178	Advertising	...	...	...	...	72	17	1			
180	Postage, Telegrams, and Telephone Rent	...	...	...	...	298	3	3			
183	Travelling Expenses (of all Officers, including Wardens, Inspecting Surveyors, and Inspectors of Mines, etc., at current rates per day respectively), also to include Allowances to Officers relieving	...	...	...	...	544	1	10			
Carried forward ... ..						1517	15	6	308188	4	10

*Excess of Expenditure, 1900-1.*

		£	s.	d.	£	s.	d.
	Brought forward ... ..	1517	15	6	308188	4	10
	<b>Mines—continued.</b>						
	<b>CONTINGENCIES—continued.</b>						
184	Survey of Leases, Areas, etc., and refunds of Survey Fees ...	3730	13	0			
185	Examination of Engine-drivers and Underground Surveyors, etc. ...	37	16	10			
187	Fuel, Lighting, and Sanitary ... ..	74	7	5			
J	Payment of £400 to Legal Representatives of the late David Alexander Hay, and £400 to Arthur Perrin for the discovery of the Collie Coalfields ... ..	400	0	0			
	<b>Public Batteries.</b>						
	<b>CONTINGENCIES—£2,120 6s. 11d.</b>						
195	General Supplies and Maintenance ... ..	1990	19	4			
J	Cyanide Plants, Purchase of Tailings ... ..	129	7	7			
	<b>Steam Boilers Act.</b>						
	<b>CONTINGENCIES—£20 8s. 7d.</b>						
219	Travelling Expenses ... ..	3	2	4			
225	Outstanding Percentages due to Inspectors ... ..	17	6	3			
					7901	8	3
	<b>Geological Surveys.</b>						
	<b>SALARIES, PROVISIONAL AND TEMPORARY—£36 8s. 9d.</b>						
12	Temporary Labour—Axemen, Chainmen, Camp Assistants, etc. ...	36	8	9			
	<b>CONTINGENCIES—£7 3s. 3d.</b>						
18	Fuel, Lighting, Sanitary, and Water ... ..	7	3	3			
					43	12	0
	<b>ATTORNEY GENERAL.</b>						
	<b>Crown Law Offices.</b>						
	<b>SALARIES, FIXED—£20 16s. 8d.</b>						
9	Accountant, three months at £250 per annum ... ..	20	16	8			
	<b>CONTINGENCIES—£166 2s. 3d.</b>						
12	Law Books ... ..	30	14	0			
13	Incidental Expenses (including Travelling Expenses) ... ..	0	6	11			
14	Postage, Telephone Rent, and Foreign Telegrams ... ..	84	6	2			
15	Stationery, Typewriters, etc. ... ..	50	15	2			
					186	18	11
	Carried forward ... ..				816320	4	0

*Excess of Expenditure, 1900-1.*

		£	s.	d.	£	s.	d.
	Brought forward ...	...			316320	4	0
<b>Supreme Court.</b>							
SALARIES, FIXED—£413 19s. 7d.							
J	Acting Puisne Judge ...	413	19	7			
CONTINGENCIES—£2,398 13s. 10d.							
32	Witnesses and Jurors, Payment of ...	2236	0	2			
33	Circuit Prosecutions ...	85	19	5			
34	Incidental Expenses (including Travelling Expenses) ...	25	6	4			
37	Water, Fuel, Lighting, and Sanitary ...	42	6	8			
40	Law Books for Judges ...	9	1	3			
					2812	13	5
<b>Official Receiver in Bankruptcy.</b>							
SALARIES, FIXED—£11 13s. 4d.							
J	Assistant Shorthand Writer and Typist ...	11	13	4			
CONTINGENCIES—£7 4s. 9d.							
10	Stationery, Typewriters, etc. ...	3	13	7			
11	Water, Fuel, Lighting, and Sanitary ...	3	11	2			
					18	18	1
<b>Stipendiary Magistracy.</b>							
SALARIES, FIXED—£636 1s. 9d.							
9	Kimberley, East, Resident Magistrate ...	66	10	8			
62	Moora, Clerk to Magistrates and Local Court ...	5	0	0			
78	Perth, Assistant Clerk to Local Court ...	40	0	0			
J	Wiluna, Clerk to Magistrates and Local Court ...	12	10	0			
J	Leonora, Clerk to Magistrates and Local Court ...	13	6	8			
J	Phillips River, Clerk to Magistrates and Local Court ...	15	0	0			
J	Boulder, Clerk to Magistrates and Local Court ...	101	6	8			
J	Derby, Assistant Clerk to Magistrates and Local Court ...	96	12	11			
J	Fremantle, Assistant Clerk to Magistrates and Local Court ...	53	8	10			
J	Perth, Acting Police Magistrate ...	32	10	11			
J	Broome, Resident Magistrate ...	187	5	1			
J	Laverton, Clerk of Local Courts ...	12	10	0			
SALARIES, PROVISIONAL AND TEMPORARY—£274 7s. 3d.							
94	Salaries, Caretakers of Court Houses ...	20	19	0			
95	Temporary Clerical Assistance ...	137	4	5			
J	Bunbury, Temporary Assistant Clerk of Courts ...	19	10	0			
J	Northampton, Acting Clerk of Local Courts ...	16	13	4			
J	Kanowna, Acting Clerk of Local Courts ...	3	14	5			
J	Messenger, Fremantle Court ...	24	3	3			
J	Katanning, Acting Resident Magistrate ...	22	17	0			
J	Northam, Acting Resident Magistrate ...	29	5	10			
	Carried forward ...	910	9	0	319151	15	6



*Excess of Expenditure, 1900-1.*

			£	s.	d.	£	s.	d.
Brought forward			910	9	0	319151	15	6
Stipendiary Magistracy—continued.								
CONTINGENCIES—£2,624 15s. 8d.								
121	Witnesses and Jurors, Payment of	...	1383	17	3			
123	Inquests	...	713	18	11			
125	Travelling Expenses of Magistrates, etc.	...	49	4	11			
126	Postage and Telephone Rent	...	259	18	11			
127	Stationery, Typewriters, etc.	...	94	7	5			
128	Water, Fuel, Lighting and Sanitary	...	123	8	3			
						3535	4	8
Land Titles.								
CONTINGENCIES—£4 8s. 9d.								
37	Incidental Expenses (including Travelling Expenses)	...	4	8	9			
						4	8	9
COLONIAL SECRETARY.								
SALARIES, FIXED—£107 10s. 6d.								
J	Chief Clerk	...	107	10	6			
CONTINGENCIES—£654 9s. 11d.								
12	Stationery, Typewriters, etc.	...	2	4	8			
14	Expenses in connection with the Immigration Restriction Act	...	69	6	6			
16	Immigration	...	582	18	9			
Electoral.								
CONTINGENCIES—£3,892 1s. 2d.								
60	Extra Assistance in the preparation of the Electoral Rolls, Fees to Returning and Presiding Officers, Clerks, Municipal Councils, and Roads Boards, Advertising, and other Expenses in connection with Elections	...	2880	11	2			
61	Referendum	...	1011	10	0			
						4654	1	7
Medical.								
SALARIES, FIXED—£151 7s. 11d.								
90	Derby District Medical Officer and Quarantine Officer	...	9	3	7			
J	Assistant Caretaker, Woodman's Point Quarantine Station	...	61	13	4			
J	Attendant, Fremantle Lunatic Asylum	...	28	11	0			
J	Secretary, Fremantle Lunatic Asylum	...	52	0	0			
Carried forward			151	7	11	327845	10	6

*Excess of Expenditure, 1900-1.*

		£	s.	d.	£	s.	d.
	Brought forward ... ..	151	7	11	327345	10	6
	<b>Medical—continued.</b>						
	<b>SALARIES, PROVISIONAL AND TEMPORARY—£637 12s. 2d.</b>						
261	Temporary Labour and Relieving Officers ... ..	535	8	2			
J	Acting Accountant ... ..	28	13	4			
J	Compulsory Vaccination Officer ... ..	5	16	8			
J	Refund to District Medical Officer, York, on account of <i>locum tenens</i> ... ..	67	14	0			
	<b>ALLOWANCES—£27 3s. 10d.</b>						
305	Jarrahdale—District Medical Officer, Drug ... ..	5	0	0			
J	Fremantle—Attendant (Relieving), House ... ..	7	8	5			
J	Fremantle—Attendant (Relieving), House ... ..	8	4	11			
J	Fremantle—Secretary, Lunatic Asylum, House ... ..	3	15	0			
J	Wyndham—District Medical Officer and Quarantine Officer, House ... ..	2	15	6			
	<b>CONTINGENCIES—£7,398 9s. 4d.</b>						
322	Provisions, Washing for Patients, etc., at Government Hospitals ... ..	1833	12	9			
323	Lunatic Asylums—Provisions, Bedding, and Clothing, etc. ... ..	1110	16	7			
325	Medicines and Surgical Instruments for Hospitals ... ..	143	18	1			
326	Furniture for Hospitals ... ..	45	11	3			
329	Sanitation Expenses ... ..	252	4	11			
332	Quarantine Stations, etc., Hospitals for Infectious Diseases ... ..	106	0	2			
333	Fuel and Light ... ..	470	10	3			
334	Postage, Telegrams, and Telephone Rent ... ..	56	10	2			
335	Stationery, Typewriters, etc. ... ..	17	13	4			
337	Grants to assisted Hospitals towards Salary of Medical Officer ... ..	221	6	6			
339	£ for £ Subsidy and Grant towards Maintenance of Indigent Patients treated in Assisted Hospitals ... ..	2313	18	0			
340	Fremantle Public Hospital ... ..	524	17	10			
342	Bulong Hospital, Grant-in-aid ... ..	50	0	0			
349	Repairs to Machinery, etc., and alterations to Quarantine Launch ... ..	48	0	8			
J	Leonora Hospital, Grant-in-aid ... ..	250	0	0			
J	Collie Hospital, Grant-in-aid ... ..	120	0	0			
J	Kurnalpi Hospital, Grant-in-aid ... ..	100	0	0			
J	Mount Magnet Hospital, Grant-in-aid ... ..	8	8	10			
J	Nannine Hospital, Grant-in-aid ... ..	150	0	0			
J	Leonora Hospital, Grant-in-aid, Furniture ... ..	75	0	0			
	<b>Gaols.</b>						
	<b>SALARIES, PROVISIONAL AND TEMPORARY—£247 8s. 9d.</b>						
83	Warders occasionally employed ... ..	175	4	1			
J	Cook, Wyndham ... ..	55	15	8			
	Acting Medical Officer, Fremantle Prison ... ..	16	9	0			
	<b>CONTINGENCIES—£1,003.</b>						
98	Transfer of Prisoners ... ..	60	4	9			
99	Provisions, etc., for Prisoners in Charge of Police ... ..	410	19	6			
	Carried forward ... ..	718	13	0	335560	3	9

*Excess of Expenditure, 1900-1.*

		£	s.	d.	£	s.	d.
	Brought forward ...	718	13	0	335560	8	9
	<b>Gaols—continued.</b>						
	<b>CONTINGENCIES—continued.</b>						
101	Bedding and Clothing ...	65	6	6			
102	Uniform for Gaolers and Warders ...	130	11	4			
103	Incidental Expenses (including Travelling Expenses) ...	66	15	6			
104	Postage, Telephone Rent, and Foreign Telegrams ...	16	13	1			
108	Water, Lighting, Fuel, and Sanitary Services ...	252	9	4			
					1250	8	9
	<b>Rottneſt Eſtabliſhment.</b>						
	<b>CONTINGENCIES—£126 9s. 11d.</b>						
14	Tools, Carts, Harness, Requisites for Garden and Farm ...	120	0	2			
15	Salt Works ...	0	2	10			
18	Incidental Expenses (including Travelling Expenses) ...	6	6	11			
					126	9	11
	<b>Printing.</b>						
	<b>SALARIES, FIXED—£66 13s. 4d.</b>						
J	Assistant Government Printer ...	66	13	4			
	<b>SALARIES, PROVISIONAL AND TEMPORARY—£76 11s. 6d.</b>						
31	Compositor, at 9s. 6d. per day ...	3	8	0			
32	Compositor, at 9s. 6d. per day ...	3	8	0			
33	Compositor, at 9s. 6d. per day ...	3	8	0			
34	Compositor, at 9s. 6d. per day (acting as clerk) ...	2	18	6			
35	Compositor, at 9s. per day ...	2	19	6			
37	Compositor, at 9s. 6d. per day (acting as reader) ...	2	18	3			
38	Compositor, at 9s. per day ...	3	8	6			
40	Compositor, at 9s. per day ...	1	6	3			
41	Compositor, at 9s. per day ...	3	8	6			
42	Compositor, at 9s. per day ...	2	14	9			
43	Compositor, at 9s. per day ...	0	7	0			
45	Compositor, at 9s. per day ...	3	8	6			
46	Compositor, at 9s. per day ...	3	8	6			
47	Compositor, at 9s. per day ...	3	4	0			
48	Compositor, at 9s. per day ...	3	8	6			
49	Compositor, at 9s. per day ...	1	1	6			
50	Compositor, at 9s. per day ...	2	19	0			
52	Compositor, at 9s. per day ...	2	0	9			
55	Compositor, at 9s. per day ...	1	16	0			
56	Machinist, at 9s. 6d. per day ...	0	18	0			
57	Machinist, at 9s. 6d. per day ...	1	9	0			
58	Machinist, at 9s. 6d. per day ...	2	4	3			
59	Machinist, at 9s. per day ...	2	14	9			
60	Machinist, at 9s. per day ...	3	8	6			
62	Bookbinder, at 9s. per day ...	3	3	9			
	Carried forward ...	181	18	7	336937	2	5

*Excess of Expenditure, 1900-1.*

						£	s.	d.	£	s.	d.
Brought forward						181	18	7	386987	2	5
Printing—continued.											
SALARIES, PROVISIONAL AND TEMPORARY—continued.											
63	Bookbinder, at 9s. per day	...	...	...	...	1	10	9			
64	Bookbinder, at 9s. per day	...	...	...	...	8	8	6			
65	Bookbinder, at 9s. per day	...	...	...	...	3	3	9			
66	Assistant in warehouse, at 9s. 6d. per day	...	...	...	...	8	3	8			
67	Stereotyper, at 9s. per day	...	...	...	...	8	8	6			
68	Extra Labour	...	...	...	...	5165	8	1	5311	16	5
Registry.											
CONTINGENCIES—£125.											
24	Postage, Telephone Rent, and Foreign Telegrams	...	...	...	...	125	0	0			
Census of Colony, 1901.											
SALARIES, PROVISIONAL AND TEMPORARY—£2,019 3s. 0d.											
30	Enumerators, Sub-enumerators, and Clerical Assistance	...	...	...	...	2019	3	0			
CONTINGENCIES—£859 9s. 6d.											
J	Gratuities in connection with Census	...	...	...	...	859	9	6	3003	12	6
Friendly Societies.											
SALARIES, PROVISIONAL AND TEMPORARY—£15.											
J	Junior Clerk (1)	...	...	...	...	15	0	0			
CONTINGENCIES—£1 19s. 2d.											
5	Stationery, Typewriters, etc.	...	...	...	...	1	19	2			
Industrial Conciliation and Arbitration Act, 1900.											
SALARIES, PROVISIONAL AND TEMPORARY—£62 10s. 0d.											
J	Clerk of Awards, Eastern Districts	...	...	...	...	20	16	8			
J	Clerk of Awards, Western Districts	...	...	...	...	10	8	4			
J	Clerk of Awards, North-West Districts	...	...	...	...	10	8	4			
J	Clerk of Awards, South-West Districts	...	...	...	...	20	16	8			
CONTINGENCIES—£95 10s. 2d.											
J	Incidental Expenses	...	...	...	...	80	11	5			
J	Postage, Telephone Rents, and Foreign Telegrams	...	...	...	...	14	18	9	174	19	4
Carried forward						...			345427	10	8

*Excess of Expenditure, 1900-1.*

		£	s.	d.	£	s.	d.
	Brought forward ... ..	...			345427	10	8
	<b>Charitable Institutions.</b>						
	SALARIES, FIXED—£43 15s. 11d.						
6	Matron, Perth Home ... ..	32	10	0			
9	Hospital Nurse, Female Home ... ..	11	5	11			
	SALARIES, PROVISIONAL AND TEMPORARY—£13 10s.						
J	Temporary Clerk ... ..	13	10	0			
	CONTINGENCIES—£93 11s. 11d.						
37	Outdoor Relief ... ..	63	4	8			
41	Stationery, Typewriters, etc. ... ..	30	7	3			
	INDUSTRIAL ORPHANAGE, INDUSTRIAL AND REFORMATORY SCHOOLS—£364 14s. 11d.						
42	Aid to Orphanage Industrial Schools ... ..	364	14	11			
	<b>Industrial School, Subiaco.</b>						
	CONTINGENCIES—£24 4s. 9d.						
54	Tools and Materials for New Workshops ... ..	24	4	9			
	<b>Government Gardens and Government House Domain.</b>				539	17	6
	CONTINGENCIES—£186 4s.						
8	Incidental Expenses ... ..	67	7	2			
11	Acclimatisation of Plants ... ..	2	19	4			
12	Upkeep of Public Grounds and Grounds connected with Public Buildings ... ..	67	7	5			
13	Improvements—Mill Point Reserve ... ..	48	10	1			
	<b>Public Health.</b>				186	4	0
	SALARIES, PROVISIONAL AND TEMPORARY—£1,269 13s. 3d.						
7	Temporary Labour in connection with Bubonic Plague ... ..	360	10	10			
8	Special Medical Officers, Nurses, Servants, etc., in connection with Bubonic Plague ... ..	809	2	5			
J	President, Grant for Special Services in connection with out- break of Bubonic Plague ... ..	100	0	0			
	CONTINGENCIES—£4,860 3s. 4d.						
9	Furniture, Bedding, Clothing, etc., for Infectious and Conta- gious Diseases ... ..	152	10	8			
11	Postages, Telegrams, and Telephone Rents ... ..	122	16	0			
12	Stationery, Typewriters, etc. ... ..	13	3	10			
	Carried forward ... ..	1558	3	9	346158	12	2

*Excess of Expenditure, 1900-1.*

		£	s.	d.	£	s.	d.
	Brought forward ... ..	1558	3	9	346153	12	2
	<b>Public Health—continued.</b>						
	<b>CONTINGENCIES—continued.</b>						
J	Maintenance of Hospitals for Infectious and Contagious Diseases ... ..	124	18	6			
J	Temporary Plague Hospital on Perth Commonage ... ..	512	1	9			
J	Bubonic Plague ... ..	3934	12	7			
					6129	16	7
	<b>Education.</b>						
	<b>SALARIES, PROVISIONAL AND TEMPORARY—£1,644 7s. 10d.</b>						
32	Government Schools ... ..	1601	16	2			
J	Clerk ... ..	42	11	8			
	<b>ALLOWANCES—£478 19s. 4d.</b>						
36	Allowances for Cleaning Schools... ..	478	19	4			
	<b>CONTINGENCIES—£3,331 6s. 2d.</b>						
37	Minor Repairs, etc. ... ..	139	1	6			
38	Furniture, etc., for Schools ... ..	880	8	2			
39	Books, Apparatus, etc. ... ..	659	17	9			
40	Maintenance (Sanitary, Water, Fuel, and Light, etc.) ... ..	700	0	0			
41	Incidental Expenses (including Travelling Expenses and Rents of Schools) ... ..	610	6	8			
42	Postage, Telephone Rent, and Foreign Telegrams ... ..	333	2	8			
48	Evening Schools ... ..	8	9	5			
	<b>Training College.</b>						
	<b>ALLOWANCES—£29 0s. 4d.</b>						
J	Principal of Training College, House, Manual Training ... ..	29	0	4			
	<b>CONTINGENCIES—£153 8s. 11d.</b>						
59	Manual Training ... ..	153	8	11			
					5637	2	7
	<b>Post and Telegraph.</b>						
	<b>SALARIES, FIXED—£1,981 14s. 3d.</b>						
9	Inspector of Post and Telegraphs ... ..	15	0	0			
13	Cashier ... ..	10	0	0			
14	Clerk ... ..	10	0	0			
25	Clerk ... ..	20	0	0			
30	Clerk ... ..	10	0	0			
33	Clerk ... ..	10	0	0			
94	Clerk ... ..	10	0	0			
	Carried forward ... ..	85	0	0	357920	11	4

*Excess of Expenditure, 1900-1.*

						£	s.	d.	£	s.	d.
Brought forward						85	0	0	357920	11	4
<b>Post and Telegraph—continued.</b>											
<b>SALARIES, FIXED—continued.</b>											
95	Clerk	...	...	...	...	10	0	0			
97	Clerk	...	...	...	...	5	0	0			
99	Clerk	...	...	...	...	9	2	9			
111	Clerk	...	...	...	...	10	0	0			
119	Clerk	...	...	...	...	10	0	0			
133	Clerk	...	...	...	...	3	6	8			
142	Overseer, Letter Carriers	...	...	...	...	10	0	0			
239	Packer	...	...	...	...	10	0	0			
290	Telegraph Operators	...	...	...	...	0	19	11			
364	Telephone Inspector	...	...	...	...	10	0	0			
J	Telephone Fitter	...	...	...	...	58	6	8			
J	Telephone Fitter	...	...	...	...	55	0	0			
J	Telephone Fitter	...	...	...	...	40	0	0			
J	Telephone Fitter	...	...	...	...	36	13	4			
J	6 Telephone Cadets at £30 per annum each	...	...	...	...	60	0	0			
J	11 Telephone Cadets at £20 per annum each	...	...	...	...	126	13	4			
445	Post and Telegraph Master, South Perth	...	...	...	...	23	6	8			
J	3 Telephone Attendants, at £40 per annum each, South Perth	...	...	...	...	10	0	0			
447	Abbott's, Post and Telegraph Master	...	...	...	...	10	0	0			
J	Boulder, Clerk	...	...	...	...	99	14	7			
J	Boulder, Letter Carrier	...	...	...	...	7	10	0			
J	Boulder, Stamp Seller	...	...	...	...	20	2	8			
J	Boulder, Telegraph Lineman	...	...	...	...	0	17	9			
588	Busselton (Vasse), Post and Telegraph Master	...	...	...	...	5	0	0			
591	Burbanks, Lineman	...	...	...	...	5	0	0			
J	Claremont, Messenger and Letter Carrier	...	...	...	...	37	10	0			
J	Claremont, Assistant	...	...	...	...	43	15	0			
J	Collie, Messenger	...	...	...	...	8	6	8			
662	Coolgardie, Clerk	...	...	...	...	6	5	0			
716	Cue, Post and Telegraph Master	...	...	...	...	5	0	0			
J	Cottesloe, Messenger and Letter Carrier	...	...	...	...	26	13	4			
J	Davyhurst, Postmaster	...	...	...	...	18	19	0			
766	Eyre, Telegraph Master	...	...	...	...	10	0	0			
777	Fremantle, Clerk	...	...	...	...	10	0	0			
778	Fremantle, Clerk	...	...	...	...	10	0	0			
869	Fremantle, North, Operator	...	...	...	...	5	0	0			
922	Hamelin Pool, Operator	...	...	...	...	5	0	0			
923	Hamelin Pool, Operator	...	...	...	...	5	0	0			
J	Hopetoun, Postmaster	...	...	...	...	66	13	4			
J	Hopetoun, Lineman	...	...	...	...	46	13	4			
935	Israelite Bay, Telegraph Master	...	...	...	...	5	0	0			
938	Israelite Bay, Operator	...	...	...	...	5	0	0			
939	Israelite Bay, Lineman	...	...	...	...	10	0	0			
946	Kalgoorlie, Operator	...	...	...	...	5	0	0			
949	Kalgoorlie, Operator	...	...	...	...	5	0	0			
951	Kalgoorlie, Operator	...	...	...	...	1	14	5			
961	Kalgoorlie, Clerk	...	...	...	...	5	0	0			
Carried forward						1063	4	5	357920	11	

*Excess of Expenditure, 1900-1.*

						£	s.	d.	£	s.	d.
Brought forward . . . . .						1063	4	5	357920	11	4
<b>Post and Telegraph—continued.</b>											
<b>SALARIES, FIXED—continued.</b>											
963	Kalgoorlie, Clerk	...	...	...	...	5	0	0			
964	Kalgoorlie, Clerk	...	...	...	...	5	0	0			
974	Kalgoorlie, Clerk	...	...	...	...	5	0	0			
976	Kalgoorlie, Clerk	...	...	...	...	5	0	0			
977	Kalgoorlie, Clerk	...	...	...	...	5	0	0			
J	Kalgoorlie, Telephone Attendant	...	...	...	...	37	10	0			
1060	Laverton, Messenger	...	...	...	...	3	0	0			
J	Lawlers, Assistant	...	...	...	...	70	0	0			
J	Lawlers, Lineman	...	...	...	...	35	0	0			
J	Lennonville, Messenger	...	...	...	...	16	2	7			
J	Menzies, Telegraph Operator	...	...	...	...	95	16	2			
J	Mt. Morgans, Clerk	...	...	...	...	97	17	0			
J	Mt. Sir Samuel, Postmaster	...	...	...	...	120	0	0			
J	Mulline, Postmaster	...	...	...	...	32	0	0			
J	Mulwarrie, Postmaster	...	...	...	...	31	11	1			
J	Peak Hill, Assistant	...	...	...	...	33	6	8			
J	Peak Hill, Messenger	...	...	...	...	40	0	0			
J	Ravensthorpe, Postmaster	...	...	...	...	68	1	1			
J	Ravensthorpe, Messenger	...	...	...	...	20	14	3			
1200	Roebourne, Operator	...	...	...	...	7	3	11			
1208	Smith's Mill, Postmaster	...	...	...	...	12	13	9			
J	Wiluna, Postmaster	...	...	...	...	113	6	8			
J	Waverley, Postmaster	...	...	...	...	46	13	4			
J	Yarloop, Assistant	...	...	...	...	12	13	4			
<b>SALARIES, PROVISIONAL AND TEMPORARY—£2,023 8s. 1d.</b>											
1341	Extra Clerical Assistance	...	...	...	...	456	11	4			
1342	Extra Labour	...	...	...	...	1480	18	3			
J	Receiver of Mails, Mt. Higgins	...	...	...	...	31	16	1			
J	Receiver of Mails, Kookynie	...	...	...	...	17	6	8			
J	Receiver of Mails, Phillips River	...	...	...	...	4	5	9			
J	Receiver of Mails, Mary Ann Harbour	...	...	...	...	6	10	0			
J	Receiver of Mails, Red Hill	...	...	...	...	13	0	0			
J	Receiver of Mails, Jandakot	...	...	...	...	13	0	0			
<b>ALLOWANCES—£198 0s. 5d.</b>											
J	Officers on Goldfields (13 at £30 per annum each)	...	...	...	...	191	0	1			
J	Mail Officer, Perth	...	...	...	...	7	0	4			
<b>CONTINGENCES—£1,819 17s. 3d.</b>											
1690	Rent of Buildings	...	...	...	...	14	10	7			
1692	Travelling Expenses	...	...	...	...	126	1	7			
1694	Linemen's Equipments	...	...	...	...	7	9	5			
1696	Incidental Expenses	...	...	...	...	297	15	3			
1697	Telephone Materials, etc.	...	...	...	...	777	11	4			
1701	Fuel, Light, Water, and Sanitary	...	...	...	...	596	9	1			
Carried forward . . . . .									6023	0	0
									363943	11	4



*Excess of Expenditure, 1900-1.*

						£	s.	d.	£	s.	d.
Brought forward ... ..						...			363943	11	4
Audit.											
SALARIES, FIXED—£73 17s. 8d.											
4	Inspector of Accounts	...	...	...	...	5	0	0			
5	Inspector of Accounts	...	...	...	...	5	0	0			
6	Clerk and Examiner	...	...	...	...	5	0	0			
7	Clerk and Examiner	...	...	...	...	5	0	0			
8	Clerk and Examiner	...	...	...	...	7	1	8			
9	Clerk and Examiner	...	...	...	...	5	8	4			
11	Clerk and Examiner	...	...	...	...	3	15	0			
15	Clerk and Examiner	...	...	...	...	25	19	4			
J	Clerk and Shorthand Writer	...	...	...	...	11	13	4			
SALARIES, PROVISIONAL AND TEMPORARY—£255 9s. 7d.											
16	Clerk and Examiner	...	...	...	...	5	0	0			
17	Clerk and Examiner	...	...	...	...	5	0	0			
25	Clerk (five months, £150 per annum)	...	...	...	...	65	4	11			
26	Clerk (five months, £150 per annum)	...	...	...	...	60	9	8			
J	Clerk	...	...	...	...	39	18	4			
J	Clerk	...	...	...	...	37	10	0			
J	Clerk	...	...	...	...	37	1	8			
J	Clerk	...	...	...	...	5	5	0			
CONTINGENCIES—£4 17s. 1d.											
31	Stationery, Typewriters, etc.	...	...	...	...	4	17	1			
Observatory.									334	4	4
SALARIES, PROVISIONAL AND TEMPORARY—£4 11s. 7d.											
J	Observer, Bangemall	...	...	...	...	4	11	7			
CONTINGENCIES—£79 0s. 6d.											
52	Incidental Expenses (including Travelling Expenses)	...	...	...	...	4	2	6			
53	Meteorological Instruments, etc.	...	...	...	...	69	11	8			
54	Stationery, Typewriters, etc. (including Books)	...	...	...	...	4	6	5			
57	Light, Fuel, Water, and Sanitary Services	...	...	...	...	0	19	11			
Photo-Lithographic.									83	12	1
CONTINGENCIES—£23 4s. 9d.											
37	Light, Fuel and Water	...	...	...	...	20	14	9			
39	Sanitation	...	...	...	...	2	10	0	23	4	9
Total ... ..						...			364384	12	6

*Excess of Expenditure, 1900-1.*

## SCHEDULE B.

## GENERAL LOAN FUND.

	CLASS I.	£	s.	d.	£	s.	d.
	<i>Departmental—£2,087 7s. 3d.</i>						
	<b>PERTH OFFICE—</b>						
4	Engineering Cadet for nine months at £90 per annum ...	20	4	0			
7	Engineering Cadet for nine months at £90 per annum ...	22	10	0			
	<b>CONSTRUCTION OF RAILWAYS—</b>						
J	Accountant ... ..	77	19	6			
J	Storekeeper ... ..	83	6	8			
J	Draftsman ... ..	73	6	8			
J	Draftsman ... ..	31	13	4			
J	Draftsman ... ..	46	8	11			
J	Draftsman ... ..	30	2	2			
J	Junior Clerk ... ..	4	13	4			
	<b>GENERAL WATER SUPPLY AND METROPOLITAN SEWERAGE AND WATER SUPPLY—</b>						
J	Draftsman ... ..	104	6	0			
J	Draftsman ... ..	59	13	6			
J	Assistant Engineer ... ..	120	0	0			
J	Clerk ... ..	19	0	0			
	<b>FREMANTLE HARBOUR WORKS—</b>						
J	Acting Resident Engineer, additional salary for extra duties	100	0	0			
	<b>COOLGARDIE WATER SUPPLY—</b>						
97	Resident Engineer, 1 month at £400 per annum ...	33	6	8			
J	Works Manager ... ..	208	6	8			
J	Clerk ... ..	46	13	4			
	<b>ENGINEERING SURVEYS—</b>						
152	Engineering Surveyor, 6 months at 17s. 6d. per day ...	130	7	6			
	<b>STORES—</b>						
J	Supervisor ... ..	300	0	0			
190	Allowances and Travelling Expenses ... ..	167	9	2			
192	Stationery ... ..	313	13	4			
193	Railway Fares ... ..	94	6	6			
	<b>CLASS II.</b>						
	<i>Railways and Tramways—£733 13s. 9d.</i>						
211	Survey New Lines (including Malcolm to Laverton, and Fremantle <i>via</i> Jandakot to South-Western Railway, and Boulder to Kalgoorlie <i>via</i> Boulder and Kalgoorlie Racecourse, etc.), also Preliminary Inspection of Route, Kalgoorlie to Eucla ... ..	733	13	9			
	Carried forward ... ..	2821	1	0			

*Excess of Expenditure, 1900-1.**General Loan Fund—continued.*

					£	s.	d.	£	s.	d.
	Brought forward	...	...		2821	1	0	...		
	CLASS III.									
	<i>Harbour and River Improvements—£20,173 0s. 0d.</i>									
212	Fremantle Harbour Works (including Cable to Rottnest and Wharf Sheds)	...	...	...	17893	18	5			
223	Albany Harbour Works	...	...	...	971	0	3			
230	Dredges and Barges	...	...	...	1308	1	4			
	CLASS IV.									
	<i>Water Supply and Sewerage for Towns—£3,000.</i>									
233	Sewerage for Perth and Fremantle	...	...	...	3,000	0	0			
	CLASS V.									
	<i>Coolgardie Water Supply—£70,589 6s. 11d.</i>									
235	Main Pipes (including Valves, etc.) at Fremantle	...	...	...	62435	5	6			
236	Main Pipes, Carriage from Fremantle	...	...	...	3180	11	1			
237	Main Pipes, Laying and Jointing (including Excavation and Filling in of Pipe Trench, etc.)	...	...	...	4973	10	4			
	CLASS VI.									
	<i>Development of Goldfields and Mineral Resources—£17,628 10s. 3d.</i>									
243	Development generally	...	...	...	7937	4	0			
244	Erection of Public Batteries	...	...	...	9691	6	3			
	CLASS X.									
	Miscellaneous (including Charges and Expenses of raising Loans)	...	...	...	21186	13	1	135398	11	3
	Total	...	...	...	...			135398	11	3



## Western Australia.

ANNO PRIMO ET SECUNDO

EDWARDI VII. REGIS.

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No. X.

AN ACT to confirm a Further Provisional Order to amend or vary a Provisional Order authorising the Construction of Tramways in the Municipality of Kalgoorlie.

*[Assented to, 19th February, 1902.]*

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. THIS Act may be cited as the Kalgoorlie Tramways Act, 1900, Amendment Act, 1902. Short title.

2. THE Further Provisional Order made by the Commissioner of Railways for Western Australia on the twenty-third day of January, 1902, and set forth in the Schedule to this Act, is hereby confirmed. Confirmation of further Provisional Order.

3.

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*Kalgoorlie Tramways Act—Amendment.*

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Schedule incorporated.

Incorporation with principal Act.

**3.** THE Schedule hereto shall form part of this Act.

**4.** THIS Act shall be deemed to be incorporated with the Kalgoorlie Tramways Act, 1900, and the two Acts shall be read together as one Act.

In the name and on behalf of the King I hereby assent  
to this Act.

ARTHUR LAWLEY, Governor.

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THE SCHEDULE.

*Kalgoorlie Tramways Act—Amendment.*

## THE SCHEDULE.

*In the matter of the Tramways Act, 1885, and in the matter of an application by Ernest Edward Rogers, of Trustee Chambers, Barrack Street, Perth, in the State of Western Australia, Gentleman (hereinafter called "the Promoter"), for a Further Provisional Order to revoke, amend, extend, and vary, as hereinafter appears, the Provisional Order made by the Commissioner of Railways on the 18th day of December, 1899, and set forth in the Schedule to and confirmed by the Kalgoorlie Tramways Act, 1900 (64 Vict., No. 43).*

## FURTHER PROVISIONAL ORDER.

WHEREAS ERNEST EDWARD ROGERS, of Trustee Chambers, Barrack Street, Perth, in the State of Western Australia, Gentleman, a person within the meaning of the expression "the Promoters," as defined by the Tramways Act, 1885, Section 3, Sub-section 2, has made application to me for a Further Provisional Order to revoke, amend, extend, and vary, as hereinafter appears, the Provisional Order made by the Commissioner of Railways on the 18th day of December, 1899, and which said Provisional Order is set forth in the Schedule to and is confirmed by the Kalgoorlie Tramways Act, 1900 (64 Vict., No. 43): AND WHEREAS I have considered the said application, and it appears to me expedient and proper that the said application should be granted: NOW THEREFORE I, the undersigned, Commissioner of Railways for the State of Western Australia, do hereby, in pursuance of the provisions of the Tramways Act, 1885, make a Further Provisional Order, and I do order as follows:—

1. That the Schedule of substituted routes hereunder set forth be and the same is hereby approved.
2. That the Promoter shall construct that portion of the route numbered 1 in the Schedule hereunder set forth, which lies between Varden Street and the street beyond Mackenzie Street, simultaneously with the route numbered 4 in the Schedule to the Provisional Order confirmed by Act 64 Vict., No. 43.
3. The portion of Route No. 4 set forth in the Schedule to the said Provisional Order, from the junction of Nethercott Street and Collins Street along Collins Street to the end thereof, at the Government Reserve 4557, and the portion of Route No. 5 set forth in the Schedule to the said Provisional Order, from the junction of Hannan and Lane Streets along Lane Street to Macdonald Street, and along Macdonald Street to Lionel Street, and the whole of Route No. 7, set forth in are hereby excised from the Schedule to the said Provisional Order.
4. Route No. 1, set forth in the Schedule to the said Provisional Order, shall be a double line from the junction of Outridge Terrace and Hannan Street to Wilson Street.
5. Route No. 6, set forth in the Schedule to the said Provisional Order, shall be a double line.
6. That save as hereby revoked, amended, extended, or varied, the said Provisional Order of the 18th day of December, 1899, and the Act confirming the same (64 Vict., No. 43), shall remain in full force and effect.

SCHEDULE

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*Kalgoorlie Tramways Act—Amendment.*

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## SCHEDULE OF SUBSTITUTED ROUTES ABOVE REFERRED TO.

1. From the junction of Varden Street and Graeme Street along Graeme Street to Ward Street, thence Eastward along Ward Street for a distance of 32 chains 70 links (about 3 chains beyond Mackenzie Street).
2. From the junction of Lionel Street and Hannan Street along Lionel Street to Macdonald Street, thence along Macdonald Street to Race-course entrance.

Given under my hand this twenty-third day of January, 1902.

(Signed)      WALTER KINGSMILL,  
Commissioner of Railways.



## Western Australia.

ANNO PRIMO ET SECUNDO

EDWARDI VII. REGIS.

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No. XI.

AN ACT for the Re-allocation of certain moneys authorised to be raised by the Coolgardie Goldfields Water Supply Loan Act, 1896.

*[Assented to, 19th February, 1902.]*

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. OF the sum of Two million five hundred thousand pounds, authorised by the Coolgardie Goldfields Water Supply Loan Act, 1896, to be raised and applied to the purposes therein mentioned, the sum of Two million two hundred and fourteen thousand pounds shall be allocated to the item set forth in the Schedule hereto, in lieu of the first five items set forth in the Second Schedule to the said

Re-allocation of  
£2,214,000.



*Coolgardie Goldfields Water Supply Loan Re-allocation.*

said Act, and may be applied accordingly; and any expenditure already incurred in respect of the last mentioned items shall be deemed to have been expended in respect of the item set forth in the Schedule to this Act.

Short title.

2. THIS Act may be cited as the Coolgardie Goldfields Water Supply Loan Re-allocation Act, 1902.

In the name and on behalf of the King I hereby assent to this Act.

ARTHUR LAWLEY, Governor.

### SCHEDULE.

Item.	Amount.
Construction of Pipe Main from Helena Reservoir to Coolgardie, with Main Reservoir in Helena River, and Pumping Stations at intervals; also eight sets of Pumping Engines and Buildings in connection therewith; also receiving tanks at pumping stations and intermediate stations, and service reservoirs at Coolgardie and Kalgoorlie ... ..	£2,214,000



## Western Australia.

ANNO PRIMO ET SECUNDO

EDWARDI VII. REGIS.

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No. XII.

### AN ACT for the Closing of certain Roads and Streets.

*[Assented to, 19th February, 1902.]*

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. ALL rights-of-way on and over such roads and streets and portions of roads and streets as are described in the Schedule hereto shall cease from the passing of this Act, and shall vest in the Crown, and the Governor may deal with such roads, streets, and portions as if they had never been public roads or streets, or subject to the said rights.

*Abolition of certain rights-of-way.*

In the name and on behalf of the King I hereby assent to this Act.

ARTHUR LAWLEY, Governor.

SCHEDULE.

*Closing of certain Roads and Streets.*

## SCHEDULE.

## IN THE TOWN OF ALBANY.

All that portion of Marine Terrace lying between the production Easterly of the South boundary of Albany Suburban Lot C 1 and the North side of Wollaston Road.

## IN THE MUNICIPALITY OF EAST FREMANTLE.

All that portion of a public road, 100 links wide, gazetted January 12th, 1864, within Swan Locations 66 and G, lying between the North boundary of Swan Location 218 and the old ferry jetty at Preston Point; also all that portion of a public road, gazetted 75 links wide, January 12th, 1864, lying within Swan Location 66.

## IN THE TOWN OF MALCOLM.

All those portions of Richmond, Windsor, and Dover Streets lying between the East side of Talberu Street and the West side of Castle Street.

All those portions of public rights-of-way, 25 links wide, extending along the Southern boundaries of Malcolm Town Lots 108 to 115, and 92 to 99; also all those portions of public rights-of-way, 9 links wide, extending along the Eastern boundaries of Lots 87, 96, 103, and 112.

## IN THE SUBURBAN AREA OF MOUNT BAKER.

All that portion of a public road, 1 chain wide, extending along the North-Western boundaries of Mount Baker Suburban Area Lots 160, 159, and 158, and Reserve 4166, its North-Western side being parallel to and distant 1 chain from the centre line of the Eastern Railway.

## IN THE TOWN OF NEWCASTLE.

The whole of Stewart, Marmion, and Lukin Streets; all that portion of Clarkson Street South of the Southward side of Whitfield Street; all that portion of Leeder Street West of the Westward side of Shearer Street; all that portion of Pelham Street South of the Southward side of Henry Street; and all that portion of Lloyd Street West of a line drawn from the South corner of Newcastle Town Lot 95 at right angles to its Southward boundary.

## IN THE TOWN OF NIAGARA.

All that portion of Wirannie Street lying between the North side of Liverpool Street and the Easterly production of the North boundary of Niagara Town Lot 118.

All those portions of public rights-of-way, 25 links wide, extending along the Eastern boundaries of Niagara Town Lots 103 to 107 and 97 to 99.

## IN THE TOWN OF NORSEMAN.

1. All that portion of Simon Street bounded on the *North* and *East* by lines extending respectively West 50 links and South about 85 chains from a point situate West 1 chain 50 links from the North-West corner of Norseman Town Lot 658; the opposite boundaries being parallel and equal—excluding those portions at the intersections of Richardson, Mather, Ramsay, Talbot, Alsopp, Austin, Hicks, and Crampton Streets.

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*Closing of certain Roads and Streets.*

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2. All that portion of Mather Street bounded on the *South* and *East* by lines extending respectively West about 20 chains 46 links and North 50 links from a point situate West 1 chain 50 links and North 8 chains from the North-West corner of Norseman Town Lot 181; the opposite boundaries being parallel and equal; excluding that portion at the intersection of Douglas Street.

3. All that portion of Talbot Street bounded on the *North* and *East* by lines extending respectively West to the East side of Douglas Street and South 25 links from a point situate 1 chain 50 links West from the South-West corner of Norseman Town Lot 186; the opposite boundaries being parallel and equal. Also, all that portion bounded on the *South* and *East* by lines extending respectively West to the East side of Douglas Street and North 25 links from a point situate 1 chain 50 links West from the North-West corner of Town Lot 187; the opposite boundaries being parallel and equal.

4. All that portion of Alsopp Street bounded on the *North* and *East* by lines extending respectively West to the East side of Douglas Street and South 25 links from a point situate 1 chain 50 links West from the South-West corner of Norseman Town Lot 192; the opposite boundaries being parallel and equal. Also, all that portion bounded on the *South* and *East* by lines extending respectively West to the East side of Douglas Street and North 25 links from a point situate 1 chain 50 links West from the North-West corner of Lot 377; the opposite boundaries being parallel and equal.

IN THE TOWN OF TOODYAY.

The whole of a public street parallel to and about 6 chains North-Westerly from Bland Street, and situated between the South-Western side of River Street and North-Eastern side of Yule Street; also, the whole of Yule Street.





## Western Australia.

ANNO PRIMO ET SECUNDO

EDWARDI VII. REGIS.

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No. XIII.

AN ACT to authorise the Construction of  
a Tramway from Carnarvon to Babbage  
Island Jetty.

*[Assented to, 19th February, 1902.]*

**B**E it enacted by the King's Most Excellent Majesty, by and  
with the advice and consent of the Legislative Council  
and Legislative Assembly of Western Australia, in this present  
Parliament assembled, and by the authority of the same, as  
follows:—

Preamble.

1. THIS Act may be cited as the Carnarvon Tramway Act,  
1902.

Short title.

2. IT shall be lawful to construct and maintain a tramway  
from the Townsite of Carnarvon to Babbage Island Jetty, with  
all necessary, proper, and usual works and conveniences in  
connection therewith, in the line described in the Schedule to  
this Act.

Authority to  
construct Tramway.

3.

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*Carnarvon Tramway.*

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Deviation.

**3.** IT shall be lawful for the Commissioner of Railways to deviate from the line, as described in the Schedule, to the extent of half-a-mile on either side thereof.

In the name and on behalf of the King I hereby assent  
to this Act.

ARTHUR LAWLEY, Governor.

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## SCHEDULE.

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### CARNARVON TO BABBAGE ISLAND JETTY TRAMWAY.

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#### DESCRIPTION OF LINE OF TRAMWAY.

Commencing at a point in or near Carnarvon Townsite, and proceeding thence in a generally North-Westerly direction for about six chains; thence in a generally West-South-Westerly direction for about thirty-two chains; thence in a generally North-Westerly direction for about one mile two chains; thence in a generally Westerly direction for about thirty-seven chains; thence in a generally West-South-Westerly direction for about sixty-nine chains, and terminating at a point in Sharks Bay, at the Head of Babbage Island Jetty, 4,586 feet from the commencement of the Jetty on Babbage Island, as more particularly delineated by a red line on Map marked P.W.D., W.A., 8138, deposited as provided for by 55° Victoriæ, No. 34, Section 10. Total length of Tramway about 2 miles 66 chains.



## Western Australia.

ANNO PRIMO ET SECUNDO

EDWARDI VII. REGIS.

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No. XIV.

### AN ACT to establish a Code of Criminal Law.

*[Assented to, 19th February, 1902.]*

**W**HEREAS it is desirable to declare, consolidate, and amend the Criminal Law : Be it enacted and declared by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows :—

Preamble.

1. THIS Act may be cited as the Criminal Code Act, 1902.

Short title.

2. ON and from the first day of May, One thousand nine hundred and two, the provisions contained in the Code of Criminal Law set forth in the First Schedule to this Act, and hereinafter called "the Code," shall be the law of Western Australia with respect to the several matters therein dealt with.

Establishment of Code.

Schedule I.

The said Code may be cited as "The Criminal Code."

3. ON and from the coming into operation of the Code—

Repeal.

(1.) The several Statutes of the Realm mentioned in the Second Schedule to this Act, shall be repealed, so far as they

Schedule II.



*Criminal Code.*

they are in force in Western Australia, to the extent in the said schedule indicated ;

Schedule III.

- (2.) The several Statutes of Western Australia mentioned in the Third Schedule to this Act shall be repealed to the extent in the said schedule indicated ;

Schedule IV

- (3.) The several Statutes of Western Australia mentioned in the Fourth Schedule to this Act shall be amended in the manner in the said schedule indicated, and shall be read and construed as being so amended accordingly.

Saving.

Provided as follows :—

- (1.) The repeal of any Statute or part of a Statute set forth in the said schedules shall not affect the construction of any other Statute, or of any other part of the same Statute, whether as regards the past or the future :
- (2.) When any enactment not mentioned in the said schedules has been repealed, confirmed, revived, or perpetuated, by any enactment hereby repealed, such repeal, confirmation, revivor, or perpetuation, shall not be affected by the repeal effected by this Act :
- (3.) This Act shall not affect the validity, invalidity, effect, or consequences, of anything already done or suffered, or any existing status, or capacity, or any right, title, obligation, or liability, civil or criminal, already acquired accrued, or incurred, or any remedy or proceeding in respect thereof, or any release or discharge of or from any debt, penalty, obligation, liability, claim, or demand, or any indemnity, or the proof of any past act or thing ; and any action, prosecution, or other proceeding begun before the coming into operation of the Code, may, subject to the provisions of the Code, be continued as if this Act had not been passed ; and any act, action, prosecution, or other proceeding, in respect of anything done or omitted to be done before the coming into operation of the Code, may, subject to the provisions of the Code, be brought, taken, and prosecuted in the same manner as if this Act had not been passed :
- (4.) This Act shall not, except as expressly therein declared, affect any principle or rule of law or equity, or established jurisdiction, or form or course of pleading, practice, or procedure, notwithstanding that the same respectively may have been in any manner affirmed, recognised, or derived, by, in, or from any enactment hereby repealed :

(5.)

*Criminal Code.*

- (5.) This Act shall not revive or restore any jurisdiction, duty, liability, right, title, privilege, restriction, exemption, usage, practice, procedure, form of punishment or other matter or thing not now existing or in force.

4. FROM and after the coming into operation of the Code, the following rules shall, unless the context otherwise indicates, apply with respect to the construction of Statutes, statutory rules, by-laws, and other instruments, that is to say :—

*Construction of Statutes, Statutory Rules, and other instruments.*

- (1.) When in any Statute, statutory rule, by-law, or other instrument, public or private, the term “felony,” is used, or reference is made to an offence by the name of felony, it shall be taken that reference is intended to an offence which is a crime under the provisions of the Code :
- (2.) When in any Statute, statutory rule, by-law, or other instrument, public or private, the term “murder” is used, it shall be taken that reference is intended to the crimes of wilful murder, and murder, and each of them :
- (3.) When in any Statute, statutory rule, by-law, or other instrument, public or private, the term “larceny” is used, it shall be taken that reference is intended to the crime of stealing :
- (4.) When in any Statute, statutory rule, by-law, or other instrument, public or private, reference is made to any offence by any specific name, it shall be taken that reference is intended to the offence which, under the provisions of the Code, is constituted by the Act or omission that would heretofore have constituted the offence referred to :
- (5.) When in any Statute, statutory rule, by-law, or other instrument, public or private, reference is made to any of the statutory provisions hereby repealed, it shall be taken that reference is intended to the corresponding provisions or substituted provisions of the Code.

5. FROM and after the coming into operation of the Code, no person shall be liable to be tried or punished in Western Australia as for an indictable offence, except under the express provisions of the Code, or some other Statute Law of Western Australia, or under the express provisions of some Statute of the Commonwealth of Australia, or of the United Kingdom which is expressly applied to Western Australia, or which is in force in all parts of His Majesty's dominions not expressly excepted from its operation, or which authorises the trial and punishment in Western Australia of offenders who have, at places not in Western Australia,

*Provisions of Code exclusive, with certain exceptions.*

*Criminal Code.*

Australia, committed offences against the laws of the Commonwealth of Australia or of the United Kingdom.

**Civil remedies.** 6. WHEN, by the Code, any act is declared to be lawful, no action can be brought in respect thereof.

**Saving.** Except as aforesaid, the provisions of this Act shall not affect any right of action which any person would have had against another if this Act had not been passed; nor shall the omission from the Code of any penal provision in respect of any act or omission, which before the time of the coming into operation of the Code constituted an actionable wrong, affect any right of action in respect thereof.

**Offender may be prosecuted under Code or other Statute.** 7. WHEN an offender is punishable under the provisions of the Code, and also under the provisions of some other Statute, he may be prosecuted and convicted under the provisions either of the Code or of such other Statute; so that he is not twice punished for the same offence.

**Contempt of Court.** 8. NOTHING in this Act or in the Code shall affect the authority of Courts of Record to punish a person summarily for the offence commonly known as "Contempt of Court"; but so that a person cannot be so punished, and also punished under the provisions of the Code for the same act or omission.

**Printing of amendments.** 9. WHENEVER any amendment is made in the Code, all copies thereof printed by the Government Printer after the amendment shall be so printed as to set forth the actual provisions of the Code after omitting all repealed provisions or words, and embodying all newly enacted or substituted provisions or words.

**General rules.** 10. AT any time after the passing of this Act the Judges of the Supreme Court, or a majority of them, may make general rules to take effect on the coming into operation of the Code, with respect to the several matters specified in the Code as matters with respect to which they may make general rules.

In the name and on behalf of the King I hereby assent to this Act.

ARTHUR LAWLEY, Governor.

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*Criminal Code.*

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## THE FIRST SCHEDULE.

## THE CRIMINAL CODE OF WESTERN AUSTRALIA.

## PART I.—INTRODUCTORY.

## INTERPRETATION : APPLICATION : GENERAL PRINCIPLES.

## CHAPTER I.—INTERPRETATION.

1. Construction of terms.
2. Definition of offence.
3. Division of offences.
4. Attempts to commit offences.
5. Arrest without warrant.
6. Carnal knowledge.

## CHAPTER II.—PARTIES TO OFFENCES.

7. Principal offenders.
8. Offences committed in prosecution of common purpose.
9. Mode of execution immaterial.
10. Accessories after the fact.

## CHAPTER III.—APPLICATION OF CRIMINAL LAW.

11. Effect of changes in law.
12. Application of Code as to offences wholly or partially committed in Western Australia.
13. Offences procured or counselled by persons out of Western Australia.
14. Offences procured in Western Australia to be committed out of Western Australia.
15. Defence force.
16. Person not to be twice punished for same offence.
17. Former conviction or acquittal.

## CHAPTER IV.—PUNISHMENTS.

18. Kinds of punishment.
19. Construction of provisions of Code as to punishments.
20. Calculation of term of sentence ; Cumulative sentences ; Escaped prisoners.
21. Prerogative.

## CHAPTER V.—CRIMINAL RESPONSIBILITY.

22. Ignorance of law : *Bona fide* claim of right.
23. Intention : Motive.
24. Mistake of fact.
25. Extraordinary emergencies.
26. Presumption of sanity.
27. Insanity.
28. Intoxication.
29. Immature age.
30. Judicial officers.
31. Justification and excuse : Compulsion.
32. Compulsion of husband.
33. No conspiracy between husband and wife alone.

*Criminal Code.*

- 34. Offences by partners and members of companies with respect to partnership or corporate property.
- 35. Liability of husband and wife for offences committed by either with respect to the other's property.
- 36. Application of rules.

## PART II.—OFFENCES AGAINST PUBLIC ORDER.

## CHAPTER VI.—TREASON AND OTHER OFFENCES AGAINST THE SOVEREIGN'S PERSON AND AUTHORITY.

- 37. Treason.
- 38. Concealment of treason.
- 39. Treasonable crimes.
- 40. Time for proceeding in cases of treason or concealment of treason : Two witnesses necessary.
- 41. Inciting to mutiny.
- 42. Assisting escape of prisoners of war.
- 43. Overt act.

## CHAPTER VII.—SEDITION.

- 44. Definition of seditious intention.
- 45. Innocent intentions.
- 46. Definition of seditious enterprises, etc.
- 47. Unlawful oaths to commit capital offences.
- 48. Other unlawful oaths to commit offences.
- 49. Compulsion, how far a defence.
- 50. Effect of prosecution.
- 51. Unlawful drilling.
- 52. Sedition.
- 53. Defamation of foreign princes.

## CHAPTER VIII.—OFFENCES AGAINST THE EXECUTIVE AND LEGISLATIVE POWER.

- 54. Interference with Governor or Ministers.
- 55. Interference with the Legislature.
- 56. Disturbing the Legislature.
- 57. False evidence before Parliament.
- 58. Threatening witness before Parliament.
- 59. Witnesses refusing to attend or give evidence before Parliament or parliamentary committee.
- 60. Member of Parliament receiving bribes.
- 61. Bribery of Member of Parliament.

## CHAPTER IX.—UNLAWFUL ASSEMBLIES : BREACHES OF THE PEACE.

- 62. Definitions.
- 63. Punishment of unlawful assembly.
- 64. Punishment of riot.
- 65. Rioters remaining after Proclamation ordering them to disperse.
- 66. Rioters demolishing buildings, etc.
- 67. Rioters injuring building, machinery, etc.
- 68. Going armed so as to cause fear.
- 69. Forcible entry.
- 70. Forcible detainer.
- 71. Affray.
- 72. Challenge to fight a duel.
- 73. Prize fight.
- 74. Threatening violence.

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## CHAPTER X.—OFFENCES AGAINST POLITICAL LIBERTY.

75. Interfering with political liberty.

## CHAPTER XI.—PIRACY.

76. Definition of piracy in general.  
 77. Further definition of pirates.  
 78. Punishment of piracy.  
 79. Attempted piracy with personal violence.  
 80. Aiding pirates.

PART III.—OFFENCES AGAINST THE ADMINISTRATION OF LAW  
AND JUSTICE AND AGAINST PUBLIC AUTHORITY.

## CHAPTER XII.—DISCLOSING OFFICIAL SECRETS.

81. Disclosure of official secrets.

## CHAPTER XIII.—CORRUPTION AND ABUSE OF OFFICE.

82. Official corruption.  
 83. Extortion by public officers.  
 84. Public officers interested in contracts.  
 85. Officers charged with administration of property of a special character or with special duties.  
 86. False claims by officials.  
 87. Abuse of office.  
 88. Corruption of surveyor and valuator.  
 89. False certificates by public officers.  
 90. Administering extra-judicial oaths  
 91. False assumption of authority.  
 92. Personating public officers.

## CHAPTER XIV.—CORRUPT AND IMPROPER PRACTICES AT ELECTIONS.

93. Definitions.  
 94. Personation.  
 95. Double voting.  
 96. Recording excessive number of votes.  
 97. Treating.  
 98. Undue influence.  
 99. Bribery.  
 100. Illegal practices.  
 101. Further penalty for corrupt practices.  
 102. Illegal practices.  
 103. Other illegal practices.  
 104. Corrupt and illegal practices: Time.  
 105. Interference at elections.  
 106. Electors attempting to violate secrecy of ballot.  
 107. Other attempts of like kind.  
 108. Stuffing ballot-boxes.  
 109. Offences by presiding officers at elections.  
 110. False answers to questions at elections.  
 111. Interfering with secrecy at elections.  
 112. Breaking seal of packets used at elections.  
 113. Offences at elections when voting is by post.  
 114. False claims.  
 115. Attesting claims, etc., without authority.

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- 116. Acts of agents.
- 117. Liability for indirect acts.
- 118. Certificate of Returning Officer.

## CHAPTER XV.—SELLING AND TRAFFICKING IN OFFICES.

- 119. Bargaining for offices in Public Service.

## CHAPTER XVI.—OFFENCES RELATING TO THE ADMINISTRATION OF JUSTICE.

- 120. Definition of judicial proceeding.
- 121. Judicial corruption.
- 122. Official corruption not judicial but relating to offences.
- 123. Corrupting or threatening jurors.
- 124. Perjury.
- 125. Punishment of perjury.
- 126. Evidence on charge of perjury.
- 127. False evidence before a Royal Commission.
- 128. Threatening witness before Royal Commission.
- 129. Fabricating evidence.
- 130. Corruption of witnesses.
- 131. Deceiving witnesses.
- 132. Destroying evidence.
- 133. Preventing witnesses from attending.
- 134. Conspiracy to bring false accusation.
- 135. Conspiring to defeat justice.
- 136. Compounding crimes.
- 137. Compounding penal actions.
- 138. Advertising a reward for the return of stolen property, etc.
- 139. Justices acting oppressively or when interested.
- 140. Delay to take person arrested before magistrate.
- 141. Bringing fictitious action on penal Statute.
- 142. Inserting advertisement without authority of Court.
- 143. Attempting to pervert justice.

## CHAPTER XVII.—ESCAPES : RESCUES : OBSTRUCTING OFFICERS OF COURTS.

- 144. Forcibly rescuing capital offenders.
- 145. Aiding prisoners to escape.
- 146. Escape by prisoner.
- 147. Permitting escape.
- 148. Harboursing escaped prisoners.
- 149. Rescuing insane persons.
- 150. Removing, etc., property under lawful seizure.
- 151. Obstructing officers of Courts of justice.

## CHAPTER XVIII.—OFFENCES RELATING TO THE COIN.

- 152. Definitions.
- 153. Counterfeiting gold and silver coin.
- 154. Preparation for coining gold and silver coin.
- 155. Clipping.
- 156. Possession of clippings.
- 157. Uttering counterfeit gold or silver coin.
- 158. Repeated uttering of counterfeit current gold or silver coin, or possession of several such coins.
- 159. Offences after previous conviction.
- 160. Counterfeiting copper coin.
- 161. Uttering base copper coin.

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- 162. Defacing coin by stamping words thereon.
- 163. Uttering foreign coin, medals, etc., as current coin with intent to defraud.
- 164. Exporting counterfeit coin.
- 165. Having possession of more than five pieces of counterfeit foreign coin.
- 166. Tender of defaced coin not legal tender : Penalty for uttering.

## CHAPTER XIX.—OFFENCES RELATING TO MAILS.

- 167. Stopping mails.

## CHAPTER XX.—MISCELLANEOUS OFFENCES AGAINST PUBLIC AUTHORITY.

- 168. False declaration as to execution of sentence of death.
- 169. False statements in statements required to be under oath or solemn declaration.
- 170. False declarations and statements.
- 171. Evidence.
- 172. Resisting public officers.
- 173. Refusal by public officer to perform duty.
- 174. Neglect of officers to suppress riot.
- 175. Neglect to aid in suppressing riot.
- 176. Neglect to aid in arresting offenders.
- 177. Disobedience to statute law.
- 178. Disobedience to lawful order issued by statutory authority.

## PART IV.—ACTS INJURIOUS TO THE PUBLIC IN GENERAL.

## CHAPTER XXI.—OFFENCES RELATING TO RELIGIOUS WORSHIP.

- 179. Offering violence to officiating ministers of religion.
- 180. Disturbing religious worship.

## CHAPTER XXII.—OFFENCES AGAINST MORALITY.

- 181. Unnatural offences.
- 182. Attempt to commit unnatural offences.
- 183. Indecent treatment of boys under fourteen.
- 184. Indecent practices between males.
- 185. Defilement of girls under thirteen.
- 186. Householder permitting defilement of young girls on his premises.
- 187. Attempt to abuse girls under ten.
- 188. Defilement of girls under sixteen and of idiots.
- 189. Indecent treatment of girls under sixteen.
- 190. Defilement by guardian, etc.
- 191. Procuration.
- 192. Procuring defilement of woman by threats, or fraud, or administering drugs.
- 193. Abduction of girl under eighteen with intent to have carnal knowledge.
- 194. Unlawful detention with intent to defile or in a brothel.
- 195. Permitting boys to resort to brothels.
- 196. Conspiracy to defile.
- 197. Incest by man.
- 198. Incest by adult female.
- 199. Attempts to procure abortion.
- 200. The like by women with child.
- 201. Supplying drugs or instruments to procure abortion.
- 202. Consent is no defence.
- 203. Indecent acts.
- 204. Obscene publications and exhibitions.
- 205. Knowledge of age immaterial.

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## CHAPTER XXIII.—NUISANCES : MISCONDUCT RELATING TO CORPSES.

- 206. Common nuisances.
- 207. Bawdy houses.
- 208. Gaming houses.
- 209. Betting houses.
- 210. Lotteries.
- 211. Acting as keeper of bawdy houses, gaming houses, betting houses, and lotteries.
- 212. Misconduct with regard to corpses.

## CHAPTER XXIV.—OFFENCES AGAINST PUBLIC HEALTH.

- 213. False information as to health of foreign ships.
- 214. Exposing for sale things unfit for food.
- 215. Dealing in diseased meat.
- 216. Adulterating liquor.
- 217. Adulteration of beverages.

## CHAPTER XXV.—MISCELLANEOUS OFFENCES.

- 218. Frauds on land laws.
- 219. Dealing with land fraudulently acquired from the Crown.

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CHAPTER XXVI.—ASSAULTS AND VIOLENCE TO THE PERSON GENERALLY :  
JUSTIFICATION AND EXCUSE.

- 220. Definition of assault.
- 221. Assaults unlawful.
- 222. Execution of sentence.
- 223. Execution of process.
- 224. Execution of warrants.
- 225. Erroneous sentence or process or warrant.
- 226. Sentence or process or warrant without jurisdiction.
- 227. Arrest of wrong person.
- 228. Irregular process or warrant.
- 229. Force used in executing process or in arrest.
- 230. Duty of persons arresting.
- 231. Police officer preventing escape from arrest.
- 232. Other cases of preventing escape from arrest.
- 233. Preventing escape or rescue after arrest.
- 234. Examination of person of accused persons in custody.
- 235. Preventing a breach of the peace.
- 236. Suppression of riot.
- 237. Suppression of riot by magistrates and police officers.
- 238. Suppression of riot by person acting under lawful orders.
- 239. Suppression of riot by person acting without order in case of emergency.
- 240. Riot : Persons subject to military law.
- 241. Prevention of crimes and offences for which an offender may be arrested without warrant : Prevention of violence by persons of unsound mind.
- 242. Defence of dwelling house.
- 243. Provocation.
- 244. Defence of provocation.
- 245. Prevention of repetition of insult.
- 246. Self-defence against unprovoked assault.
- 247. Self-defence against provoked assault.

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- 248. Aiding in self-defence.
- 249. Defence of movable property against trespassers.
- 250. Defence of movable property with claim of right.
- 251. Defence of movable property without claim of right.
- 252. Defence of premises against trespassers : Removal of disorderly persons.
- 253. Defence of possession of real property or vessel with claim of right.
- 254. Exercise of right of way or easement.
- 255. Domestic discipline.
- 256. Discipline of ship.
- 257. Surgical operations.
- 258. Excessive force.
- 259. Consent to death immaterial.

## CHAPTER XXVII.—DUTIES RELATING TO THE PRESERVATION OF HUMAN LIFE.

- 260. Duty to provide necessities.
- 261. Duty of head of family.
- 262. Duty of masters.
- 263. Duty of persons doing dangerous acts.
- 264. Duty of persons in charge of dangerous things.
- 265. Duty to do certain acts.

## CHAPTER XXVIII.—HOMICIDE : SUICIDE : CONCEALMENT OF BIRTH.

- 266. Killing of a human being unlawful.
- 267. When a child becomes a human being.
- 268. Definition of killing.
- 269. Death by acts done at childbirth.
- 270. Causing death by threats.
- 271. Acceleration of death.
- 272. When injury or death might be prevented by proper precaution.
- 273. Injuries causing death in consequence of subsequent treatment.
- 274. Limitation as to time of death.
- 275. Unlawful homicide.
- 276. Definition of wilful murder.
- 277. Definition of murder.
- 278. Definition of manslaughter.
- 279. Killing on provocation.
- 280. Punishment of murder.
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- 707. Court may order payment of witnesses for defence.
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## PART I.—INTRODUCTORY.

## INTERPRETATION: APPLICATION: GENERAL PRINCIPLES.

## CHAPTER I.—INTERPRETATION.

1. IN this Code, unless the context otherwise indicates,—
 

Construction of  
terms.

The term “bodily harm” means any bodily injury which interferes with health or comfort;

The term “circumstance of aggravation” means and includes any circumstance by reason whereof an offender is liable to a greater punishment than that to which he would be liable if the offence were committed without the existence of that circumstance;

The terms “clerk” and “servant” include any person employed for any purpose as or in the capacity of a clerk or servant, or as a collector of money, although temporarily only, or although employed also by other persons than the person alleged to be his employer, or although employed to pay as well as receive money, and any person employed as or in the capacity of a commission agent for the collection or disbursement of money, or in any similar capacity, although he has no authority from his employer to receive money or other property on his account;

The term “company” means an incorporated company;

The term “criminally responsible” means liable to punishment as for an offence; and the term “criminal responsibility” means liability to punishment as for an offence;

The term “dwelling-house” includes any building or structure, or part of a building or structure, which is for the time being kept by the owner or occupier for the residence therein of himself, his family, or servants, or any of them: It is immaterial that it is from time to time uninhabited;

A building or structure adjacent to, and occupied with, a dwelling-house is deemed to be part of the dwelling-house if there is a communication between such building or structure and the dwelling-house, either immediate or by means of a covered and enclosed passage leading from the one to the other, but not otherwise;

The term “explosive substance” includes a gaseous substance in such a state of compression as to be capable of explosion;

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The term "grievous bodily harm" means any bodily injury of such a nature as to endanger, or be likely to endanger life, or to cause, or be likely to cause, permanent injury to health ;

The term "have in possession" includes having under control in any place whatever, whether for the use or benefit of the person of whom the term is used or of another person, and although another person has the actual possession or custody of the thing in question ;

The term "indictment" means a written charge preferred against an accused person in order to his trial before some Court other than justices exercising summary jurisdiction ;

The term "liable," used alone, means liable on conviction upon indictment ;

The term "mail" includes anything sent by post which is in actual course of transmission from one place to another ;

The term "mail conveyance" includes any conveyance of any kind by which a mail is carried, and also any vessel employed by or under the Post and Telegraph Department, or the postal authority of any other country, or the Admiralty, for the conveyance of mails, whether under contract or not, and also a ship of war or other vessel in the service of His Majesty in respect of letters conveyed by it ;

The term "money" includes bank notes, bank drafts, cheques, and any other orders, warrants, authorities, or requests for the payment of money ;

The term "night" or "night-time" means the interval between nine o'clock in the evening and six o'clock in the morning ;

The terms "person" and "owner," and other like terms, when used with reference to property, include corporations of all kinds, and any other associations of persons capable of owning property : They also, when so used, include His Majesty ;

The term "person employed in the Public Service" includes officers and men of the Defence Force and police officers, and persons employed to execute any process of a Court of justice, and persons employed by the Commissioner of Railways ;

The term "police officer" includes any constable or officer of police ;

The term "property" includes everything, animate or inanimate, capable of being the subject of ownership ;

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The term "railway" includes every kind of way on which vehicles are borne upon a rail or rails, whatever may be the means of propulsion ;

The terms "registered brand" and "registered mark" mean respectively a brand or mark which is registered under the authority of the laws relating to brands ;

The term "ship" includes every kind of vessel used in navigation not propelled by oars ;

The term "summary conviction" means summary conviction before two justices in petty sessions ;

The term "thing sent by post" includes any letter, newspaper, packet, parcel, or other thing, authorised by law to be transmitted by post, which has been posted or received at a post office for delivery or transmission by post, and which is in course of transmission by post, and any movable receptacle which contains any such thing, and which is in course of transmission by post ;

The term "uncorroborated testimony" means testimony which is not corroborated in some material particular by other evidence implicating the accused person ;

The term "utter" means and includes using or dealing with, and attempting to use or deal with, and attempting to induce any person to use, deal with, or act upon the thing in question ;

The term "knowingly" used in connection with any term denoting uttering or using, implies knowledge of the character of the thing uttered or used ;

The term "valuable security" includes any document which is the property of any person, and which is evidence of the ownership of any property or of the right to recover or receive any property ;

The term "vessel" includes a ship, a boat, and every other kind of vessel used in navigation.

**2.** AN act or omission which renders the person doing the act or making the omission liable to punishment is called an offence. Definition of offence.

**3.** OFFENCES are of three kinds, namely, crimes, misdemeanours, and simple offences. Division of offences.

Crimes and misdemeanours are indictable offences ; that is to say, the offenders cannot, unless otherwise expressly stated, be prosecuted or convicted except upon indictment.

A person guilty of a simple offence may be summarily convicted by two justices in petty sessions.

An offence not otherwise designated is a simple offence.

4.



*Criminal Code.*

Attempts to commit offences.

4. WHEN a person, intending to commit an offence, begins to put his intention into execution by means adapted to its fulfilment, and manifests his intention by some overt act, but does not fulfil his intention to such an extent as to commit the offence, he is said to attempt to commit the offence.

It is immaterial, except so far as regards punishment, whether the offender does all that is necessary on his part for completing the commission of the offence, or whether the complete fulfilment of his intention is prevented by circumstances independent of his will, or whether he desists of his own motion from the further prosecution of his intention.

It is immaterial that by reason of circumstances not known to the offender, it is impossible in fact to commit the offence.

The same facts may constitute one offence and an attempt to commit another offence.

Arrest without warrant.

5. THE expression "the offender may be arrested without warrant" means that the provisions of this Code relating to the arrest of offenders or suspected offenders without warrant are applicable to the offence in question, either generally or subject to such conditions, if any, as to time, place, or circumstance, or as to the person authorised to make the arrest, as are specified in the particular case.

Except when otherwise stated, the definition of an offence as a crime imports that the offender may be arrested without warrant.

The expression "the offender cannot be arrested without warrant" means that the provisions of this Code relating to the arrest of offenders or suspected offenders without warrant are not applicable to the crime in question, except subject to such conditions, if any, as to time, place, or circumstance, or as to the person authorised to make the arrest as are specified in the particular case.

Carnal knowledge.

6. WHEN the term "carnal knowledge" or the term "carnal connection" is used in defining an offence, it is implied that the offence, so far as regards that element of it, is complete upon penetration.

## CHAPTER II.—PARTIES TO OFFENCES.

Principal offenders.

7. WHEN an offence is committed, each of the following persons is deemed to have taken part in committing the offence and to be guilty of the offence, and may be charged with actually committing it, that is to say—

(a.) Every person who actually does the act or makes the omission which constitutes the offence;

(b.)

*Criminal Code.*

- (b.) Every person who does or omits to do any act for the purpose of enabling or aiding another person to commit the offence ;
- (c.) Every person who aids another person in committing the offence ;
- (d.) Any person who counsels or procures any other person to commit the offence ;

In the fourth case he may be charged either with himself committing the offence or with counselling or procuring its commission.

A conviction of counselling or procuring the commission of an offence entails the same consequences in all respects as a conviction of committing the offence.

Any person who procures another to do or omit to do any act of such a nature that, if he had himself done the act or made the omission, the act or omission would have constituted an offence on his part, is guilty of an offence of the same kind, and is liable to the same punishment as if he had himself done the act or made the omission ; and he may be charged with himself doing the act or making the omission.

**8. WHEN** two or more persons form a common intention to prosecute an unlawful purpose in conjunction with one another, and in the prosecution of such purpose an offence is committed of such a nature that its commission was a probable consequence of the prosecution of such purpose, each of them is deemed to have committed the offence.

Offences committed in prosecution of common purpose.

**9. WHEN** a person counsels another to commit an offence, and an offence is actually committed after such counsel by the person to whom it is given, it is immaterial whether the offence actually committed is the same as that counselled or a different one, or whether the offence is committed in the way counselled, or in a different way, provided in either case that the facts constituting the offence actually committed are a probable consequence of carrying out the counsel.

Mode of execution immaterial.

In either case the person who gave the counsel is deemed to have counselled the other person to commit the offence actually committed by him.

**10. A PERSON** who receives or assists another who is, to his knowledge, guilty of an offence, in order to enable him to escape punishment, is said to become an accessory after the fact to the offence.

Accessories after the fact.

A married woman does not become an accessory after the fact to an offence of which her husband is guilty, by receiving or assisting

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assisting him in order to enable him to escape punishment; nor by receiving or assisting, in her husband's presence and by his authority, another person who is guilty of an offence in the commission of which her husband has taken part, in order to enable that other person to escape punishment: Nor does a husband become accessory after the fact to an offence of which his wife is guilty by receiving or assisting her in order to enable her to escape punishment.

## CHAPTER III.—APPLICATION OF CRIMINAL LAW.

Effect of changes  
in law.

**11.** A PERSON cannot be punished for doing or omitting to do an act, unless the act or omission constituted an offence under the law in force when it occurred, nor unless doing or omitting to do the act under the same circumstances would constitute an offence under the law in force at the time when he is charged with the offence.

If the law in force when the act or omission occurred differs from that in force at the time of the conviction, the offender cannot be punished to any greater extent than was authorised by the former law, or to any greater extent than is authorised by the latter law.

Application of Code  
as to offences  
wholly or partially  
committed in  
Western Australia.

**12.** THIS Code applies to every person who is in Western Australia at the time of his doing any act or making any omission which constitutes an offence.

With regard to offences which are of such a nature that they comprise several elements, if any acts or omissions or events actually occur which, if they all occurred in Western Australia, would constitute an offence, and any of such acts or omissions or events occurs in Western Australia, although all or some of the other acts or omissions or events which, if they occurred in Western Australia, would be elements of the offence occur elsewhere than in Western Australia; then—

- (1.) If the act or omission which, in the case of an offence wholly committed in Western Australia, would be the initial element of the offence, occurs in Western Australia, the person who does that act or makes that omission is guilty of an offence of the same kind, and is liable to the same punishment, as if all the subsequent elements of the offence had occurred in Western Australia; and
- (2.) If that act or omission occurs elsewhere than in Western Australia, and the person who does that act or makes that omission afterwards comes into Western Australia

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tralia, he is, by such coming into Western Australia, guilty of an offence of the same kind, and is liable to the same punishment as if that act or omission had occurred in Western Australia and he had been in Western Australia when it occurred :

But in any such case it is a defence to the charge to prove that the accused person did not intend that the act or omission should have effect in Western Australia.

This section does not extend to a case in which the only material event that occurs in Western Australia is the death in Western Australia of a person whose death is caused by an act done or omitted to be done at a place not in Western Australia, and at a time when he was not in Western Australia.

**13.** ANY person who, having while out of Western Australia procured another to do or omit to do in Western Australia an act of such a nature that, if he had himself done the act or made the omission in Western Australia, he would have been guilty of an offence, afterwards comes into Western Australia, is by such coming into Western Australia guilty of an offence of the same kind, and is liable to the same punishment, as if he had himself done the act or made the omission in Western Australia.

Offences procured  
or counselled by  
persons out of  
Western Australia.

Any person who, having while out of Western Australia counselled or procured the commission of an offence which is actually committed in Western Australia, afterwards comes into Western Australia, is by such coming into Western Australia guilty of an offence of the same kind, and is liable to the same punishment, as if he had been in Western Australia when the offence was committed.

**14.** ANY person who, while in Western Australia, procures another to do an act or make an omission at a place not in Western Australia of such a nature that, if he had himself done the act or made the omission in Western Australia, he would have been guilty of an offence, and that, if he had himself done the act or made the omission, he would have been guilty of an offence under the laws in force in the place where the act or omission is done or made, is guilty of an offence of the same kind, and is liable to the same punishment, as if the act had been done or the omission had been made in Western Australia, but so that the punishment does not exceed that which he would have incurred under the laws in force in the place where the act was done or the omission was made, if he had himself done the act or made the omission.

Offences procured in  
Western Australia  
to be committed  
out of Western  
Australia.

A prosecution cannot be instituted under the provisions of this section, except at the request of the Government of the State having jurisdiction in the place where the act or omission occurs.

15.

*Criminal Code.*

Defence Force.

**15.** OFFICERS and men of the Naval and Military Defence Force are subject to the special laws relating to that force, but are not exempt from the provisions of this Code.

Person not to be  
twice punished for  
same offence.

**16.** A PERSON cannot be twice punished either under the provisions of this Code or under the provisions of any other law for the same act or omission, except in the case where the act or omission is such that by means thereof he causes the death of another person, in which case he may be convicted of the offence of which he is guilty by reason of causing such death, notwithstanding that he has already been convicted of some other offence constituted by the act or omission.

Former conviction  
or acquittal.

**17.** IT is a defence to a charge of any offence to show that the accused person has already been tried, and convicted or acquitted upon an indictment on which he might have been convicted of the offence with which he is charged, or has already been acquitted upon indictment, or has already been convicted, of an offence of which he might be convicted upon the indictment or complaint on which he is charged.

## CHAPTER IV.—PUNISHMENTS.

Kinds of punish-  
ment.

**18.** THE punishments which may be inflicted under this Code are as follows :—

Death ;

Imprisonment with hard labour ;

Imprisonment without hard labour ;

Detention in an industrial or reformatory school ;

Whipping ;

Fine ;

Finding security to keep the peace and be of good behaviour.

The punishment of whipping cannot be inflicted upon a female.

Construction of pro-  
visions of Code as to  
punishments.

**19.** IN the construction of this Code it is to be taken that, except when it is otherwise expressly provided,—

- (1.) A person liable to imprisonment, either with or without hard labour, for life or for any other period, may be sentenced to similar imprisonment for any shorter term ;
- (2.) A person liable to imprisonment with hard labour may be sentenced to imprisonment without hard labour ;
- (3.) A person liable to imprisonment, either with or without hard labour, may be sentenced to pay a fine not exceeding

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*Criminal Code.*

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ceeding Five hundred pounds in addition to, or instead of, such imprisonment ;

- (4.) A person liable to a fine of any amount may be sentenced to pay a fine of any lesser amount ;
- (5.) The punishment of whipping cannot be inflicted upon a person who is sentenced to imprisonment, with or without hard labour, for a longer term than two years ;
- (6.) A person sentenced on conviction upon indictment to pay a fine may be sentenced to be imprisoned until the fine is paid, in addition to any other punishment to which he is sentenced ; but so that the imprisonment for non-payment of the fine shall not extend for a term longer than two years, and shall not, together with the fixed term of imprisonment, if any, extend for a term longer than the longest term for which he might be sentenced to be imprisoned without fine ;
- (7.) A person convicted upon indictment of an offence not punishable with death may, instead of, or in addition to, any punishment to which he is liable, be ordered to enter into his own recognisance, with or without sureties, in such amount as the Court thinks fit, that he shall keep the peace and be of good behaviour for a time to be fixed by the Court, and may be ordered to be imprisoned until such recognisance, with sureties if so directed, is entered into ; but so that the imprisonment for not entering into the recognisance shall not extend for a term longer than one year, and shall not, together with the fixed term of imprisonment, if any, extend for a term longer than the longest term for which he might be sentenced to be imprisoned without fine ;
- (8.) A person convicted of any offence upon summary conviction may, instead of being sentenced to any punishment to which he is liable, be discharged upon his entering into his own recognisances, with or without sureties, in such amount as the justices think fit, that he shall keep the peace and be of good behaviour for a term not exceeding one year ;
- (9.) When a person is convicted of any offence not punishable with death, the Court or justices may, instead of passing sentence, discharge the offender upon his entering into his own recognisance, with or without sureties, in such sum as the Court or justices may think fit, conditioned that he shall appear and receive judgment at some future sittings of the Court, or when called upon.

*Criminal Code.*

Calculation of terms  
of sentence : Cumu-  
lative sentences :  
Escaped prisoners.

*Amended by  
31 of 1906*

**20.** WHEN a person who is convicted of an offence is undergoing, or has been sentenced to undergo, for another offence, a sentence involving deprivation of liberty, the punishment to be inflicted upon him for the first-mentioned offence may be directed to take effect from the expiration of the deprivation of liberty for the last-mentioned offence.

Except as aforesaid, a sentence of imprisonment, with or without hard labour, upon a conviction on indictment takes effect from the first day of the Sittings of the Court at which the offender is convicted, and a sentence of imprisonment, with or without hard labour, upon a summary conviction takes effect from the commencement of the offender's custody under the sentence.

A person who escapes from lawful custody while undergoing a sentence involving deprivation of liberty is liable upon recapture to undergo the punishment which he was undergoing at the time of his escape, for a term equal to that during which he was absent from prison, after the escape and before the expiration of the term of his original sentence, whether at the time of his recapture the term of that sentence has or has not expired.

Prerogative.

**21.** NOTHING in this Code affects His Majesty's Royal Prerogative of Mercy.

## CHAPTER V.—CRIMINAL RESPONSIBILITY.

Ignorance of law :  
Bona fide claim of  
right.

**22.** IGNORANCE of the law does not afford any excuse for an act or omission which would otherwise constitute an offence, unless knowledge of the law by the offender is expressly declared to be an element of the offence.

But a person is not criminally responsible, as for an offence relating to property, for an act done or omitted to be done by him with respect to any property in the exercise of an honest claim of right and without intention to defraud.

Intention : Motive.

**23.** SUBJECT to the express provisions of this Code relating to negligent acts and omissions, a person is not criminally responsible for an act or omission which occurs independently of the exercise of his will, or for an event which occurs by accident.

Unless the intention to cause a particular result is expressly declared to be an element of the offence constituted, in whole or part, by an act or omission, the result intended to be caused by an act or omission is immaterial.

Unless otherwise expressly declared, the motive by which a person is induced to do or omit to do an act, or to form an intention, is immaterial so far as regards criminal responsibility.

*Criminal Code.*

**24.** A PERSON who does or omits to do an act under an honest and reasonable, but mistaken, belief in the existence of any state of things is not criminally responsible for the act or omission to any greater extent than if the real state of things had been such as he believed to exist. Mistake of fact

The operation of this rule may be excluded by the express or implied provisions of the law relating to the subject.

**25.** SUBJECT to the express provisions of this Code relating to acts done upon compulsion or provocation or in self-defence, a person is not criminally responsible for an act or omission done or made under such circumstances of sudden or extraordinary emergency that an ordinary person possessing ordinary power of self-control could not reasonably be expected to act otherwise. Extraordinary emergencies.

**26.** EVERY person is presumed to be of sound mind, and to have been of sound mind at any time which comes in question, until the contrary is proved. Presumption of sanity.

**27.** A PERSON is not criminally responsible for an act or omission if at the time of doing the act or making the omission he is in such a state of mental disease or natural mental infirmity as to deprive him of capacity to understand what he is doing, or of capacity to control his actions, or of capacity to know that he ought not to do the act or make the omission. Insanity.

A person whose mind, at the time of his doing or omitting to do an act, is affected by delusions on some specific matter or matters, but who is not otherwise entitled to the benefit of the foregoing provisions of this section, is criminally responsible for the act or omission to the same extent as if the real state of things had been such as he was induced by the delusions to believe to exist.

**28.** THE provisions of the last preceding section apply to the case of a person whose mind is disordered by intoxication or stupefaction caused without intention on his part by drugs or intoxicating liquor, or by any other means. Intoxication.

They do not apply to the case of a person who has intentionally caused himself to become intoxicated or stupefied, whether in order to afford excuse for the commission of an offence or not.

When an intention to cause a specific result is an element of an offence, intoxication, whether complete or partial, and whether intentional or unintentional, may be regarded for the purpose of ascertaining whether such an intention in fact existed.

**29.** A PERSON under the age of seven years is not criminally responsible for any act or omission. Immature age.

A



*Criminal Code.*

A person under the age of fourteen years is not criminally responsible for an act or omission, unless it is proved that at the time of doing the act or making the omission he had capacity to know that he ought not to do the act or make the omission.

A male person under the age of fourteen years is presumed to be incapable of having carnal knowledge.

Judicial officers.

**30.** EXCEPT as expressly provided by this Code, a judicial officer is not criminally responsible for anything done or omitted to be done by him in the exercise of his judicial functions, although the act done is in excess of his judicial authority, or although he is bound to do the act omitted to be done.

Justification and  
excuse: Compulsion.

**31.** A PERSON is not criminally responsible for an act or omission if he does or omits to do the act under any of the following circumstances, that is to say :—

- (1.) In execution of the law ;
- (2.) In obedience to the order of a competent authority which he is bound by law to obey, unless the order is manifestly unlawful ;
- (3.) When the act is reasonably necessary in order to resist actual and unlawful violence threatened to him, or to another person in his presence ;
- (4.) When he does or omits to do the act in order to save himself from immediate death or grievous bodily harm threatened to be inflicted upon him by some person actually present and in a position to execute the threats, and believing himself to be unable otherwise to escape the carrying of the threats into execution ;

But this protection does not extend to an act or omission which would constitute an offence punishable with death, or an offence of which grievous bodily harm to the person of another, or an intention to cause such harm, is an element, nor to a person who has, by entering into an unlawful association or conspiracy, rendered himself liable to have such threats made to him.

Whether an order is or is not manifestly unlawful is a question of law.

Compulsion of  
husband.

**32.** A MARRIED woman is not free from criminal responsibility for doing or omitting to do an act merely because the act or omission takes place in the presence of her husband.

But

*Criminal Code.*

But a married woman is not criminally responsible for doing or omitting to do an act which she is actually compelled by her husband to do or omit to do, and which is done or omitted to be done in his presence, except in the case of an act or omission which would constitute an offence punishable with death, or an offence of which grievous bodily harm to the person of another, or an intention to cause such harm, is an element, in which case the presence of her husband is immaterial.

**33.** A HUSBAND and wife are not criminally responsible for a conspiracy between themselves alone.

No conspiracy between husband and wife alone.

**34.** A PERSON who, being a member of a co-partnership, corporation, or joint stock company, does or omits to do any act with respect to the property of the co-partnership, corporation, or company, which, if he were not a member of the co-partnership, corporation, or company, would constitute an offence, is criminally responsible to the same extent as if he were not such member.

Offences by partners and members of companies with respect to partnership or corporate property.

**35.** WHEN a husband and wife are living together, neither of them incurs any criminal responsibility for doing or omitting to do any act with respect to the property of the other, except in the case of an act or omission of which an intention to injure or defraud some other person is an element, and except in the case of an act done by either of them when leaving or deserting, or when about to leave or desert, the other.

Liability of husband and wife for offences committed by either with respect to the other's property.

Subject to the foregoing provisions a husband and wife are, each of them, criminally responsible for any act done by him or her with respect to the property of the other, which would be an offence if they were not husband and wife, and to the same extent as if they were not husband and wife.

But neither of them can institute criminal proceedings against the other while they are living together.

Upon the prosecution of a husband on the complaint of his wife for an offence committed with respect to her property, and upon the prosecution of a wife on the complaint of her husband for an offence committed with respect to his property, the wife or husband, as the case may be, is a competent and compellable witness.

In this section the term "property," used with respect to a wife, means her separate property.

**36.** THE provisions of this chapter apply to all persons charged with any offence against the Statute Law of Western Australia.

Application of rules.

PART

## PART II.—OFFENCES AGAINST PUBLIC ORDER.

CHAPTER VI.—TREASON AND OTHER OFFENCES AGAINST  
THE SOVEREIGN'S PERSON AND AUTHORITY.

Treason.

**37.** ANY person who—

- (1.) Kills the Sovereign, or does Him any bodily harm, tending to His death, or maim or wounding, or imprisonment or restraint ; or
- (2.) Kills the eldest son and heir-apparent for the time being of the Sovereign, or the Queen Consort of the reigning King ; or
- (3.) Forms an intention to do any such act as aforesaid, and manifests such intention by any overt act ; or
- (4.) Conspires with any other person to kill the Sovereign or to do Him any bodily harm tending to His death, or maim or wounding, or imprisonment or restraint ; or
- (5.) Levies war against the Sovereign—
  - (a.) With intent to depose the Sovereign from the style, honour, and royal name, of the Imperial Crown of the United Kingdom of Great Britain and Ireland, or of any other of His Majesty's dominions ; or
  - (b.) In order by force or constraint to compel the Sovereign to change His measures or counsels, or in order to put any force or constraint upon, or in order to intimidate or overawe any House of Parliament of any of His Majesty's dominions : or
- (6.) Conspires with any other person to levy war against the Sovereign with any such intent or purpose as last aforesaid ; or
- (7.) Instigates any foreigner to make an armed invasion of any part of His Majesty's dominions ; or
- (8.) Assists by any means whatever any public enemy at war with the Sovereign ; or
- (9.) Violates, whether with her consent or not a Queen Consort, or the wife of the eldest son and heir-apparent for the time being of the Sovereign ;

is guilty of a crime which is called treason, and is liable to the punishment of death.

38.

*Criminal Code.***38.** ANY person who—

- (1.) Becomes an accessory after the fact to treason ; or
- (2.) Knowing that any person intends to commit treason, does not give information thereof with all reasonable despatch to a justice, or use other reasonable endeavours to prevent the commission of the crime ;

Concealment of  
treason.

is guilty of a crime and is liable to imprisonment with hard labour for life.

**39.** ANY person who forms an intention to effect any of the following purposes, that is to say :—

- (a.) To depose the Sovereign from the style, honour, and royal name, of the Imperial Crown of the United Kingdom of Great Britain and Ireland, or of any other of His Majesty's dominions ; or
- (b.) To levy war against the Sovereign within any part of His dominions in order by force or constraint to compel the Sovereign to change His measures or counsels, or in order to put any force or constraint upon or in order to intimidate or overawe any House of Parliament of any of His Majesty's dominions ; or
- (c.) To instigate any foreigner to make an armed invasion of any of His Majesty's dominions ;

and manifests such intention by any overt act, is guilty of a crime, and is liable to imprisonment with hard labour for life.

A person charged with any of the crimes defined in this section is not entitled to be acquitted on the ground that any act proved to have been committed by him constitutes the crime of treason ; but a person who has been tried, and convicted or acquitted on a charge of any such crime, cannot be afterwards prosecuted for treason in respect of the same facts.

**40.** A PERSON cannot be tried for treason or for any of the crimes defined in the two last preceding sections unless the indictment is presented within two years after the crime is committed :

Time for proceeding  
in cases of treason  
or concealment of  
treason: Two wit-  
nesses necessary.

Nor can a person charged with treason or with any of such crimes, be convicted, except on his own plea of guilty, or on the evidence in open Court of two witnesses at the least to one overt act of the kind of treason alleged, or the evidence of one witness to one overt act, and one other witness to another overt act of the same kind of treason.

This section does not apply to cases in which the overt act of treason alleged, is the killing of the Sovereign, or a direct attempt to endanger the life or injure the person of the Sovereign.

41.

*Criminal Code.*

Inciting to mutiny.

**41.** ANY person who advisedly attempts to effect any of the following purposes, that is to say:—

- (a.) To seduce any person serving in His Majesty's forces by sea or land from his duty and allegiance to His Majesty ;  
or
- (b.) To incite any such person to commit an act of mutiny or any traitorous or mutinous act ; or
- (c.) To incite any such persons to make or endeavour to make a mutinous assembly ;

is guilty of a crime and is liable to imprisonment with hard labour for life.

A person who has been tried, and convicted or acquitted, on a charge of any of the crimes defined in this section cannot be afterwards prosecuted for any other crime defined in this chapter in respect of the same facts.

Assisting escape of prisoners of war.

**42.** ANY person who—

- (1.) Knowingly and advisedly aids an alien enemy of His Majesty, being a prisoner of war, in Western Australia, whether such prisoner is confined in a prison or elsewhere or is suffered to be at large on his parole, to escape from his prison or place of confinement, or, if he is at large on his parole, to escape from Western Australia ; or
- (2.) Being a person who owes allegiance to His Majesty, after any such prisoner has escaped by sea from any part of His Majesty's dominions, knowingly and advisedly upon the high seas within the territorial waters of Western Australia aids him in his escape to or towards any other dominion or place ;

is guilty of a crime and is liable to imprisonment with hard labour for life.

Overt act.

**43.** IN the case of any of the offences defined in this chapter, when the manifestation by an overt act of an intention to effect any purpose is an element of the offence, every act of conspiring with any person to effect that purpose, and every act done in furtherance of the purpose by any of the persons conspiring, is deemed to be an overt act manifesting the intention.

## CHAPTER VII.—SEDITION.

Definition of seditious intention.

**44.** AN intention to effect any of the following purposes, that is to say:—

- (a.) To bring the Sovereign into hatred or contempt ;
- (b.)

*Criminal Code.*

- (b.) To excite disaffection against the Sovereign, or the Government or Constitution of the United Kingdom, or of the Commonwealth of Australia, or of Western Australia as by law established, or against either House of Parliament of the United Kingdom, of the Commonwealth of Australia, or of Western Australia, or against the administration of justice ;
- (c.) To excite His Majesty's subjects to attempt to procure the alteration of any matter in the State as by law established otherwise than by lawful means ;
- (d.) To raise discontent or disaffection amongst His Majesty's subjects ;
- (e.) To promote feelings of ill-will and enmity between different classes of His Majesty's subjects ;

is a seditious intention, unless it is justified by the provisions of the next following section.

**45.** IT is lawful for any person—

*Innocent intentions.*

- (a.) To endeavour in good faith to show that the Sovereign has been mistaken in any of His counsels ;
- (b.) To point out in good faith errors or defects in the Government or Constitution of the United Kingdom, or of the Commonwealth of Australia, or of Western Australia as by law established, or in legislation, or in the administration of justice, with a view to the reformation of such errors or defects ;
- (c.) To excite in good faith His Majesty's subjects to attempt to procure by lawful means the alteration of any matter in the State as by law established ; or
- (d.) To point out in good faith in order to their removal any matters which are producing or have a tendency to produce feelings of ill-will and enmity between different classes of His Majesty's subjects.

**46.** A SEDITIOUS enterprise is an enterprise which is undertaken in order to the carrying out of a seditious intention.

*Definition of seditious enterprises, etc.*

Seditious words are words expressive of a seditious intention.

The term "seditious writing" includes anything intended to be read, and any sign or visible representation, which is expressive of a seditious intention.

**47.** ANY person who—

- (1.) Administers or is present at and consents to the administering of, any oath or engagement in the nature of

*Unlawful oaths to commit capital offences.*

*Criminal Code.*

of an oath, purporting to bind the person who takes it to commit any crime punishable with death ; or

- (2.) Takes any such oath or engagement, not being compelled to do so ; or
- (3.) Attempts to induce any person to take any such oath or engagement ;

is guilty of a crime, and is liable to imprisonment with hard labour for life.

Other unlawful oaths to commit offences.

**48. ANY person who—**

- (1.) Administers, or is present at and consents to the administering of, any oath or engagement in the nature of an oath, purporting to bind the person who takes it to act in any of the ways following, that is to say,—
  - (a.) To engage in any mutinous or seditious enterprise ;
  - (b.) To commit any indictable offence not punishable with death ;
  - (c.) To disturb the public peace ;
  - (d.) To be of any association, society, or confederacy, formed for the purpose of doing any such act as aforesaid ;
  - (e.) To obey the order or commands of any committee or body of men not lawfully constituted, or of any leader or commander or other person not having authority by law for that purpose ;
  - (f.) Not to inform or give evidence against any associate, confederate, or other person ;
  - (g.) Not to reveal or discover any unlawful association, society, or confederacy, or any illegal act done or to be done, or any illegal oath or engagement that may have been administered or tendered to or taken by himself or any other person, or the import of any such oath or engagement ; or
- (2.) Takes any such oath or engagement, not being compelled to do so ; or
- (3.) Attempts to induce any person to take any such oath or engagement ;

is guilty of a crime, and is liable to imprisonment with hard labour for seven years.

Compulsion, how far a defence.

**49. A PERSON** who takes any such oath or engagement as is mentioned in the two last preceding sections cannot set up as a defence that he was compelled to do so, unless within fourteen days after

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after taking it, or, if he is prevented by actual force or sickness, within fourteen days after the termination of such prevention, he declares by information on oath before some member of the Executive Council or justice of the peace, or, if he is on actual service in His Majesty's forces by sea or land, either by such information or by information to his commanding officer, the whole of what he knows concerning the matter, including the person or persons by whom and in whose presence, and the place where, and the time when, the oath or engagement was administered or taken.

**50.** A PERSON who has been tried, and convicted or acquitted, on a charge of any of the crimes hereinbefore in this chapter defined, cannot be afterwards prosecuted upon the same facts for the crime of treason, or for the crime of failing, when he knows that any person intends to commit treason, to give information thereof with all reasonable despatch to a justice or use other reasonable endeavours to prevent the commission of the crime. Effect of prosecution.

**51.** (1.) ANY person who—

(a.) In contravention of the directions of a proclamation by the Governor in Council in that behalf trains or drills any other person to the use of arms or the practice of military exercise, movements, or evolutions; or

(b.) Is present at any meeting or assembly of persons held in contravention of the directions of any such proclamation, for the purpose of there training or drilling any other person to the use of arms or the practice of military exercise, movements, or evolutions;

is guilty of a crime, and is liable to imprisonment with hard labour for seven years.

(2.) Any person who, at any meeting or assembly held in contravention of the directions of a proclamation of the Governor in Council in that behalf, is trained or drilled to the use of arms or the practice of military exercise, movements, or evolutions, or who is present at any such meeting or assembly for the purpose of being so trained or drilled, is guilty of a misdemeanour, and is liable to imprisonment for two years.

The offender may be arrested without warrant.

(3.) A prosecution for any of the offences defined in this section must be begun within six months after the offence is committed.

**52.** ANY person who—

(1.) Conspires with any person to carry into execution a seditious enterprise; or

(2.)

Unlawful drilling.

Sedition.



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(2.) Advisedly publishes any seditious words or writing: is guilty of a misdemeanour, and is liable to imprisonment with hard labour for three years.

If he has been previously convicted of any such offence he is guilty of a crime, and is liable to imprisonment with hard labour for seven years.

A prosecution for any of the offences defined in this section must be begun within six months after the offence is committed.

A person cannot be convicted of any of the offences defined in this section upon the uncorroborated testimony of one witness.

Defamation of  
Foreign Princes.

**53.** ANY person who, without such justification or excuse as would be sufficient in the case of the defamation of a private person, publishes anything intended to be read, or any sign or visible representation, tending to expose to hatred or contempt in the estimation of the people of any Foreign State any Prince or person exercising sovereign authority over that State, is guilty of a misdemeanour, and is liable to imprisonment for two years.

CHAPTER VIII.—OFFENCES AGAINST THE EXECUTIVE AND  
LEGISLATIVE POWER.

Interference with  
Governor or  
Ministers.

**54.** ANY person who advisedly—

- (1.) Does any act calculated to interfere with the free exercise by the Governor of the duties or authority of his office ;  
or
- (2.) Does any act calculated to interfere with the free exercise by a member of the Executive Council of the duties or authority of his office as a member of the Executive Council or as a Minister of State ;

is guilty of a misdemeanour, and is liable to imprisonment for three years.

Interference with  
the Legislature.

**55.** ANY person who advisedly, by force or fraud, interferes or attempts to interfere with the free exercise by either House of Parliament of their authority, or with the free exercise by any member of either House of his duties or authority as such member, or as a member of a Committee of either House, or of a joint Committee of both Houses, is guilty of a misdemeanour, and is liable to imprisonment for three years.

Disturbing the  
Legislature.

**56.** ANY person who advisedly—

- (1.) Disturbs either House of Parliament while in session ;  
or
- (2.) Commits any disorderly conduct in the immediate view and presence of either House of Parliament while in session

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session, tending to interrupt its proceedings or to impair the respect due to its authority ;

is guilty of a misdemeanour, and is liable to imprisonment for three years.

**57.** ANY person who in the course of an examination before either House of Parliament, or before a Committee of either House, or before a joint Committee of both Houses, knowingly gives a false answer to any lawful and relevant question put to him in the course of the examination is guilty of a crime, and is liable to imprisonment with hard labour for seven years.

*False evidence  
before Parliament.*

The offender cannot be arrested without warrant.

A person cannot be convicted of the offence defined in this section upon the uncorroborated testimony of one witness.

**58.** ANY person who—

- (1.) Threatens to do any injury, or cause any detriment of any kind to another with intent to prevent or hinder that other person from giving evidence before either House of Parliament, or before a Committee of either House, or before a joint Committee of both Houses ; or
- (2.) Threatens, or in any way punishes, damnifies, or injures, or attempts to punish, damnify, or injure any other person for having given such evidence, or on account of the evidence which he has given, unless such evidence was given in bad faith ;

*Threatening wit-  
ness before Parlia-  
ment.*

is guilty of a misdemeanour, and is liable, on conviction, to imprisonment with hard labour for two years.

**59.** ANY person who—

- (1.) Being duly summoned to attend as a witness or to produce any book, document, or other thing, in his possession, before either House of Parliament, or before a Committee of either House, or before a joint Committee of both Houses, authorised to summon witnesses or to call for the production of such thing, refuses or neglects without lawful excuse to attend pursuant to the summons or to produce anything which he is summoned to produce, and which is relevant and proper to be produced ; or
- (2.) Being present before either House of Parliament, or before a Committee of either House, or before a Joint Committee of both Houses, authorised to sum-

*Witnesses refusing  
to attend or give evi-  
dence before Parlia-  
ment or Parliamen-  
tary Committee.*

mon

*Criminal Code.*

mon witnesses, refuses to answer any lawful and relevant question ;

is guilty of a misdemeanour, and is liable to imprisonment for two years.

Member of Parliament receiving bribes.

**60.** ANY person who, being a member of either House of Parliament, asks, receives, or obtains, or agrees or attempts to receive or obtain, any property or benefit of any kind for himself or any other person upon any understanding that his vote, opinion, judgment, or action, in the House of which he is a member, or in any Committee thereof, or in any joint Committee of both Houses, shall be influenced thereby, or shall be given in any particular manner or in favour of any particular side of any question or matter, is guilty of a crime, and is liable to imprisonment with hard labour for seven years, and is disqualified from sitting or voting as a member of either House of Parliament for seven years.

The offender cannot be arrested without warrant.

Bribery of member of Parliament.

**61.** ANY person who—

- (1.) In order to influence a member of either House of Parliament in his vote, opinion, judgment, or action, upon any question or matter arising in the House of which he is a member or in any Committee thereof, or in any joint Committee of both Houses, or in order to induce him to absent himself from the House or from any such Committee, gives, confers, or procures, or promises or offers to give or confer, or to procure or attempt to procure, any property or benefit of any kind to, upon, or for, such member, or to, upon, or for, any other person ; or
- (2.) Attempts, directly or indirectly, by fraud, or by threats or intimidation of any kind, to influence a member of either House of Parliament in his vote, opinion, judgment, or action, upon any such question or matter, or to induce him to so absent himself ;

is guilty of a crime, and is liable to imprisonment with hard labour for seven years.

The offender cannot be arrested without warrant.

#### CHAPTER IX.—UNLAWFUL ASSEMBLIES : BREACHES OF THE PEACE.

Definitions.

**62.** WHEN three or more persons, with intent to carry out some common purpose, assemble in such a manner, or, being assembled, conduct themselves in such a manner as to cause persons in the neighbourhood to fear, on reasonable grounds, that the

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the persons so assembled will tumultuously disturb the peace, or will by such assembly needlessly and without any reasonable occasion provoke other persons tumultuously to disturb the peace, they are an unlawful assembly.

It is immaterial that the original assembling was lawful if, being assembled, they conduct themselves with a common purpose in such a manner as aforesaid.

An assembly of three or more persons who assemble for the purpose of protecting the house of any one of them against persons threatening to break and enter the house in order to commit an indictable offence therein is not an unlawful assembly.

When an unlawful assembly has begun to act in so tumultuous a manner as to disturb the peace, the assembly is called a riot, and the persons assembled are said to be riotously assembled.

**63.** ANY person who takes part in an unlawful assembly is guilty of a misdemeanour, and is liable to imprisonment for one year. Punishment of unlawful assembly.

**64.** ANY person who takes part in a riot is guilty of a misdemeanour, and is liable to imprisonment with hard labour for three years. Punishment of riot.

**65.** WHENEVER any persons, to the number of twelve or more, are riotously assembled together, it is the duty of some one of the following persons, that is to say, the sheriff or under sheriff, or a justice of the peace, or, if the assembly is in a municipality, the mayor, to go amongst them, or as near as he can safely come to them, and to command or cause to be commanded with a loud voice that silence be kept while the proclamation next hereinafter mentioned is made, and then openly and with a loud voice to make proclamation, or cause proclamation to be made, in these words or to the like effect :

*Rioters remaining after proclamation ordering them to disperse.*

Our Sovereign Lord the King charges and commands all persons here assembled immediately to disperse themselves and peaceably to depart to their habitations or to their lawful business, or they will be guilty of a crime, and will be liable to be imprisoned and kept to hard labour for life. God save the King !

Any person who wilfully and knowingly, and by force, opposes, obstructs, or hurts, any person who goes to make, or begins to make, any such proclamation, and thereby prevents the proclamation from being made, is guilty of a crime.

Any persons who, being so assembled, continue together to the number of twelve or more, and do not disperse themselves within

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within the space of an hour after the making of the proclamation, are guilty of a crime.

When the making of the proclamation is prevented, any persons who, being so assembled, and to whom the proclamation would or ought to have been made if the making thereof had not been so prevented, and who, knowing of such prevention, continue together to the number of twelve or more, and do not disperse themselves within the space of an hour after the time of such prevention, are guilty of a crime.

Any person who commits any of the crimes defined in this section is liable to imprisonment with hard labour for fourteen years.

A prosecution for any of the crimes defined in this section must be begun within a year after the crime is committed.

Rioters demolishing  
buildings, etc.

**66.** ANY persons who, being riotously assembled together, unlawfully pull down or destroy, or begin to pull down or destroy—

(a.) Any building whatever ; or

(b.) Any machinery whatever, whether fixed or movable ;  
or

(c.) Any structure used in farming land, or in carrying on any trade or manufacture, or in conducting the business of a mine ; or

(d.) Any bridge, wagon-way, or trunk, for conveying materials from a mine ;

are guilty of a crime ; and each of them is liable to imprisonment with hard labour for fourteen years.

Rioters injuring  
building,  
machinery, etc.

**67.** ANY persons who, being riotously assembled together, unlawfully damage any of the things in the last preceding section mentioned, are guilty of a crime ; and each of them is liable to imprisonment with hard labour for seven years.

Going armed so as  
to cause fear.

**68.** ANY person who goes armed in public without lawful occasion in such a manner as to cause terror to any person is guilty of a misdemeanour, and is liable to imprisonment with hard labour for two years.

Forcible entry.

**69.** ANY person who, in a manner likely to cause a breach of the peace or reasonable apprehension of a breach of the peace, enters on land which is in the actual and peaceable possession of another is guilty of a misdemeanour, and is liable to imprisonment for one year.

It is immaterial whether he is entitled to enter on the land or not.

70.

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**70.** ANY person who, being in actual possession of land without colour of right holds possession of it in a manner likely to cause a breach of the peace or reasonable apprehension of a breach of the peace, against a person entitled by law to the possession of the land is guilty of a misdemeanour, and is liable to imprisonment for one year.

Forcible detainer.

**71.** ANY person who takes part in a fight in a public highway, or takes part in a fight of such a nature as to alarm the public in any other place to which the public have access, is guilty of a misdemeanour, and is liable to imprisonment with hard labour for one year.

Affray.

**72.** ANY person who challenges another to fight a duel, or attempts to provoke another to fight a duel, or attempts to provoke any person to challenge another to fight a duel, is guilty of a misdemeanour, and is liable to imprisonment with hard labour for three years.

Challenge to fight a duel.

**73.** ANY person who fights in a prize fight, or subscribes to or promotes a prize fight, is guilty of a misdemeanour, and is liable to imprisonment for one year.

Prize fight.

**74.** ANY person who—

- (1.) With intent to intimidate or annoy any person, threatens to break or injure a dwelling-house ; or
- (2.) With intent to alarm any person in a dwelling-house, discharges loaded firearms or commits any other breach of the peace ;

Threatening violence.

is guilty of a misdemeanour, and is liable to imprisonment with hard labour for one year.

If the offence is committed in the night, the offender is guilty of a crime, and is liable to imprisonment with hard labour for two years.

#### CHAPTER X.—OFFENCES AGAINST POLITICAL LIBERTY.

**75.** ANY person who by violence, or by threats or intimidation of any kind, hinders or interferes with the free exercise of any political right by another person, is guilty of a misdemeanour, and is liable to imprisonment with hard labour for two years.

Interfering with political liberty.

If the offender is a public officer, and commits the offence in abuse of his authority as such officer, he is liable to imprisonment with hard labour for three years.

#### CHAPTER

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## CHAPTER XI.—PIRACY.

Definition of piracy  
in general.

**76.** IN this chapter the term “pirate” includes any person who on the high seas commits, otherwise than as an act of war, and under the authority of some Foreign Prince or State, any act with respect to a ship, or any goods or merchandise belonging to a ship or laden upon it, which, if the act were committed on land, would constitute robbery as hereinafter defined; and any person who, having on the high seas obtained possession of a ship by means of any such act, retains possession thereof.

The term also includes any person who is declared by any Statute to be a pirate.

The act of any such person is called piracy.

Further definition  
of pirates.

**77.** ANY person who does any of the acts following, that is to say :—

- (1.) Being a British subject, and being at any place within the jurisdiction of the Admiralty, commits, under colour of a commission from a Foreign State or Prince, whether such State or Prince is at war with the Sovereign or not, or under pretence of authority from any person whatever, any act of hostility, or any act which, if it were committed on land, would be robbery as hereinafter defined, against another British subject :  
or
- (2.) Being a British subject, is in any way adherent to or gives aid to His Majesty's enemies at any place within the jurisdiction of the Admiralty, during any war ; or
- (3.) Whether being a British subject or not, forcibly enters a British ship at any place within the jurisdiction of the Admiralty, and throws overboard or destroys any part of the goods or merchandise belonging to the ship or laden upon it ; or
- (4.) Being on board a British ship at any place within the jurisdiction of the Admiralty—
  - (a.) Turns pirate, enemy, or rebel, and piratically runs away with the ship, or any boat, ordnance, ammunition, or goods belonging to it or laden upon it ; or
  - (b.) Voluntarily yields up the ship or any such thing as last mentioned to a pirate ; or
  - (c.) Brings a seducing message from a pirate, enemy, or rebel ; or
  - (d.) Consults or conspires with, or attempts to corrupt, any master or officer of a ship, or any seaman,  
with

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with intent that he should run away with or yield up any ship, goods, or merchandise, or turn pirate, or go over to pirates ; or

(e.) Lays violent hands on the master of the ship, with intent to hinder him from fighting in defence of the ship and goods committed to his trust ; or

(f.) Confines the master of the ship ; or

(g.) Makes, or endeavours to make, a revolt in the ship ; or

(5.) Being a British subject in any part of the world, or, whether being a British subject or not, being in any part of His Majesty's dominions, or on board a British ship in any part of the world, knowingly—

(h.) Trades with a pirate in any manner whatever ; or

(i.) Furnishes a pirate with ammunition, provisions, or stores of any kind ; or

(j.) Fits out a ship or vessel with a design to trade with or supply or correspond with, a pirate ; or

(k.) Conspires or corresponds with a pirate ;

is also deemed to be a pirate, and his act is also called piracy.

**78.** ANY person who, within the territorial jurisdiction of Western Australia, commits piracy, is guilty of a crime, and is liable to imprisonment with hard labour for life. Punishment of piracy.

If the crime is committed with respect to a ship, and if at or immediately before or immediately after the time of committing the crime the offender—

(a.) Assaults any person on board of or belonging to the ship, with intent to kill him or to kill any other person ; or

(b.) Wounds any such person ; or

(c.) Unlawfully does any act by which the life of any such person is endangered ;

the offender is liable to the punishment of death.

**79.** ANY person who, within the territorial jurisdiction of Western Australia, does any of the acts following with intent to commit the crime of piracy with respect to a ship, that is to say :— Attempted piracy with personal violence.

(1.) Assaults any person on board of or belonging to the ship, with intent to kill him or to kill any other person ; or

(2.) Wounds any such person ; or

(3.)



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(3.) Unlawfully does any act by which the life of any such person is endangered ;  
is guilty of a crime, and is liable to the punishment of death.

Aiding pirates.

**80.** ANY person who—

- (1.) Brings a seducing message from a pirate ; or
- (2.) Consults or conspires with, or attempts to corrupt, any master or officer of a ship or any seaman, with intent that he should run away with or yield up any ship, goods, or merchandise, or turn pirate, or go over to pirates ;

is guilty of a crime, and is liable to imprisonment with hard labour for life.

**PART III.—OFFENCES AGAINST THE ADMINISTRATION  
OF LAW AND JUSTICE AND AGAINST PUBLIC  
AUTHORITY.**

**CHAPTER XII.—DISCLOSING OFFICIAL SECRETS.**Disclosure of  
official secrets.

**81.** ANY person who, being employed in the Public Service, publishes or communicates any fact which comes to his knowledge by virtue of his office and which it is his duty to keep secret, or any document which comes to his possession by virtue of his office and which it is his duty to keep secret, except to some person to whom he is bound to publish or communicate it, is guilty of a misdemeanour, and is liable to imprisonment for two years.

**CHAPTER XIII.—CORRUPTION AND ABUSE OF OFFICE.**

Official corruption.

**82.** ANY person who—

- (1.) Being employed in the Public Service, or being the holder of any public office, and being charged with the performance of any duty by virtue of such employment or office, not being a duty touching the administration of justice, corruptly asks, receives, or obtains, or agrees or attempts to receive or obtain, any property or benefit of any kind for himself or any other person on account of anything already done or omitted to be done, or to be afterwards done or omitted to be done, by him in the discharge of the duties of his office ; or
- (2.) Corruptly gives, confers, or procures, or promises or offers to give or confer, or to procure or attempt to procure, to, upon, or for, any person employed in the Public Service, or being the holder of any public office,

or

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or to, upon, or for, any other person, any property or benefit of any kind on account of any such act or omission on the part of the person so employed or holding such office ;

is guilty of a crime, and is liable to imprisonment with hard labour for seven years, and to be fined at the discretion of the Court.

The offender cannot be arrested without warrant.

**83.** ANY person who, being employed in the Public Service, takes or accepts from any person, for the performance of his duty as such officer, any reward beyond his proper pay and emoluments, or any promise of such reward, is guilty of a misdemeanour, and is liable to imprisonment for three years.

Extortion by public officers.

**84.** ANY person who, being employed in the Public Service, knowingly acquires or holds, directly or indirectly, otherwise than as a member of a registered joint stock company consisting of more than twenty persons, a private interest in any contract or agreement which is made on account of the Public Service with respect to any matter concerning the department of the Service in which he is employed, is guilty of a misdemeanour, and is liable to imprisonment for three years, and to be fined at the discretion of the Court.

Public officers interested in contracts.

**85.** ANY person who, being employed in the Public Service, and being charged by virtue of his employment with any judicial or administrative duties respecting property of a special character or respecting the carrying on of any manufacture, trade, or business of a special character, and having acquired or holding, directly or indirectly, a private interest in any such property, manufacture, trade, or business, discharges any such duties with respect to the property, manufacture, trade, or business, in which he has such interest, or with respect to the conduct of any person in relation thereto, is guilty of a misdemeanour, and is liable to imprisonment for one year, and to be fined at the discretion of the Court.

Officers charged with administration of property of a special character or with special duties.

**86.** ANY person, who being employed in the Public Service in such a capacity as to require him or to enable him to furnish returns or statements touching any remuneration payable or claimed to be payable to himself or to any other person, or touching any other matter required by law to be certified for the purpose of any payment of money or delivery of goods to be made to any person, makes a return or statement touching any such matter which is, to his knowledge, false in any material particular, is guilty of a misdemeanour, and is liable to imprisonment with hard labour for three years.

False claims by officials.

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Abuse of office.

**87.** ANY person who, being employed in the Public Service, does or directs to be done, in abuse of the authority of his office, any arbitrary act prejudicial to the rights of another is guilty of a misdemeanour, and is liable to imprisonment for two years.

If the act is done or directed to be done for purposes of gain, he is liable to imprisonment with hard labour for three years.

Corruption of surveyor and valuator.

**88.** ANY person who, being a valuator for determining the compensation to be paid to any person for land compulsorily taken from him under the authority of any Statute, or for injury done to any land under the authority of any Statute—

(1.) Acts as such valuator while he has, to his knowledge, an interest in the land in question ; or

(2.) Executes unfaithfully, dishonestly, or with partiality, the duty of making a valuation of the land or of the extent of the injury ;

is guilty of a misdemeanour, and is liable to imprisonment for three years.

False certificates by public officers.

**89.** ANY person who, being authorised or required by law to give any certificate touching any matter by virtue whereof the rights of any person may be prejudicially affected, gives a certificate which is, to his knowledge, false in any material particular is guilty of a misdemeanour, and is liable to imprisonment with hard labour for three years.

Administering extra-judicial oaths.

**90.** ANY person who administers an oath, or takes a solemn declaration or affirmation or affidavit, touching any matter with respect to which he has not by law any authority to do so, is guilty of a misdemeanour, and is liable to imprisonment for one year.

This section does not apply to an oath, declaration, affirmation, or affidavit, administered or taken before a justice in any matter relating to the preservation of the peace or the punishment of offences, or relating to inquiries respecting sudden death, or to proceedings before either House of Parliament or a Committee of either House or a Joint Committee of both Houses ; nor to an oath, declaration, affirmation, or affidavit, administered or taken for some purpose which is lawful under the laws of another country, or for the purpose of giving validity to an instrument in writing which is intended to be used in another country.

False assumption of authority.

**91.** ANY person who—

(1.) Not being a justice assumes to act as a justice ; or

(2.) Without authority assumes to act as a person having authority by law to administer an oath or take a solemn declaration or affirmation or affidavit, or to do any other

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other act of a public nature which can only be done by persons authorised by law to do so ; or

- (3.) Represents himself to be a person authorised by law to sign a document testifying to the contents of any register or record kept by lawful authority, or testifying to any fact or event, and signs such document as being so authorised, when he is not, and knows that he is not, in fact, so authorised ;

is guilty of a misdemeanour, and is liable to imprisonment with hard labour for three years.

**92.** ANY person who—

- (1.) Personates any person employed in the Public Service on an occasion when the latter is required to do any act or attend in any place by virtue of his employment ; or
- (2.) Falsely represents himself to be a person employed in the Public Service, and assumes to do any act or to attend in any place for the purpose of doing any act by virtue of such employment ;

*Personating public officers.*

is guilty of a misdemeanour, and is liable to imprisonment with hard labour for three years.

A person found committing the offence may be arrested without warrant.

**CHAPTER XIV.—CORRUPT AND IMPROPER PRACTICES  
AT ELECTIONS.**

**93.** IN this chapter—

*Definitions.*

The term “election” includes any election held under the authority of any Statute providing for the choice of persons to fill any office or place of a public character ;

The term “elector” includes any person entitled to vote at an election ;

The term “municipal election” includes any election held under any laws relating to local government ;

The term “ballot-box” includes any receptacle in which voting-papers are put before being counted at an election ;

The term “polling-booth” includes any room or place in which voting at an election is conducted or in which the votes are counted.

- 94.** ANY person who votes or attempts to vote in the name of another person at an election, whether the name is that of a person

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person living or dead or of a fictitious person, is guilty of a crime, and is liable to imprisonment with hard labour for two years.

Double voting.

**95.** ANY person who, being an elector, votes or attempts to vote at an election oftener than he is entitled to vote at the election is guilty of a crime, and is liable to imprisonment with hard labour for two years.

Recording excessive number of votes.

**96.** ANY person who, being an elector, records at an election a larger number of votes than he is entitled to is guilty of a misdemeanour, and is liable to imprisonment with hard labour for six months, or to a fine of Fifty pounds.

Treating.

**97.** ANY person who—

(1.) Corruptly, before, during, or after an election, provides, or pays, in whole or part, the expense of providing any food, drink, or lodging to or for any person on account of anything already done or omitted to be done, or to be afterwards done or omitted to be done, by an elector at the election in the capacity of an elector ; or

(2.) Being an elector, corruptly receives any food, drink, or lodging on account of any such act or omission ;

is guilty of a misdemeanour, and is liable to imprisonment with hard labour for one year, or to a fine of Two hundred pounds.

Undue influence.

**98.** ANY person who—

(1.) Uses or threatens to use any force or restraint, or does or threatens to do any temporal or spiritual injury, or causes or threatens to cause any detriment of any kind, to an elector in order to induce him to vote or refrain from voting at an election, or on account of his having voted or refrained from voting at an election ; or

(2.) By force or fraud prevents or obstructs the free exercise of the franchise by an elector, or by any such means compels or induces an elector to vote or refrain from voting at an election ;

is guilty of a misdemeanour, and is liable to imprisonment with hard labour for one year, or to a fine of Two hundred pounds.

Bribery.

**99.** ANY person who—

(1.) Gives, confers, or procures, or promises or offers to give or confer, or to procure or attempt to procure, to, upon, or for any person any property or benefit of any kind on account of anything already done or omitted to be done

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done, or to be afterwards done or omitted to be done, by an elector at an election in the capacity of an elector, or on account of any person acting or joining in a procession during an election, or in order to induce any person to endeavour to procure the return of any person at an election, or the vote of any elector at an election ; or

- (2.) Being an elector, asks, receives, or obtains, or agrees or attempts to receive or obtain, any property or benefit of any kind for himself or any other person on account of anything already done or omitted to be done, or to be afterwards done or omitted to be done, by him at an election in the capacity of an elector ; or
- (3.) Asks, receives, or obtains, or agrees or attempts to receive or obtain, any property or benefit of any kind for himself or any other person, on account of a promise made by him or any other person to endeavour to procure the return of any person at an election, or the vote of any person at an election ; or
- (4.) Advances or pays any money to or to the use of any other person with the intent that such money shall be applied for any of the purposes hereinbefore in this section mentioned, or in discharge or repayment of money wholly or in part applied for any such purpose ; or
- (5.) Corruptly transfers or pays any property or money to any person for the purpose of enabling that person to be registered as an elector, and thereby of influencing the vote of that person at a future election ; or
- (6.) Is privy to any such transfer or payment as last-mentioned which is made for his benefit ;

is guilty of a misdemeanour, and is liable to imprisonment with hard labour for one year, or to a fine of Two hundred pounds.

**100.** ANY person who, being a candidate at an election—

*Illegal practices.*

- (1.) Convenes or holds a meeting of his committee in a house licensed for the sale of fermented or spirituous liquors ;
- (2.) Personally solicits the vote of any elector on polling-day ; or
- (3.) Attends at any meeting of electors held for electoral purposes on polling-day ;

is guilty of an offence, and is liable to imprisonment for six months or to a fine of One hundred pounds.

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Further penalty for  
corrupt practices.

**101.** ANY person convicted of any of the offences defined in the six last preceding sections committed with respect to a parliamentary election becomes incapable, for two years from the date of the conviction, of being registered as an elector or of voting at any parliamentary election, or of holding any judicial office ; and if he holds any such office, the office is vacated.

He also becomes incapable for the like period of being elected to or of sitting in the Legislative Council or the Legislative Assembly ; and, if at the time of the conviction he is a member of either House, his seat is vacated.

Any person convicted of any such offence committed with respect to a municipal or road board election becomes incapable, for two years from the date of the conviction, of holding any municipal or road board office, and if he holds any such office, the office is vacated.

Illegal practices.

**102.** ANY person who—

- (1.) Being prohibited by law from voting at an election, and knowing that he is so prohibited, votes at the election ; or
- (2.) Procures any person who is, and whom he knows to be, prohibited from voting at an election to vote at the election ; or
- (3.) Before or during an election, and for the purpose of promoting or procuring the choice of any candidate at the election, knowingly publishes a false statement of the withdrawal of another candidate at the election ; or
- (4.) Before or during an election, and for the purpose of affecting the return of a candidate at the election, knowingly publishes a false statement of fact respecting the personal character or conduct of the candidate ; or
- (5.) Being a candidate at an election, withdraws from being a candidate in consideration of a payment or promise of payment ; or
- (6.) Being a candidate or the agent of a candidate at an election, corruptly procures any other person to withdraw from being a candidate at the election in consideration of any payment or promise of payment ;

is guilty of a misdemeanour, and is liable to imprisonment for one year, or to a fine of Two hundred pounds.

If the offence was committed with respect to a parliamentary election, the offender also becomes incapable, for two years from the date of the conviction, of being registered as an elector for the electoral

*Criminal Code.*

electoral district for which the election with reference to which the offence was committed was held, and of voting at any election held for that district.

**103.** ANY person who--

- (1.) Knowingly provides money for any payment which is contrary to any law relating to elections, or for replacing any money which has been expended in any such payment, and which is not allowed by law to be an exception ; or
- (2.) Prints, publishes, or posts any bill, placard, or poster, which has reference to an election, and which does not bear on the face of it the name and address of the printer and publisher ; or
- (3.) Hires or uses for a committee room at an election--
  - (a.) Any part of a house licensed for the sale of fermented or spirituous liquors ; or
  - (b.) Any part of any premises where any intoxicating liquor is sold or supplied to members of a club, society, or association, which is not a permanent political club ; unless, in either case, it is a part which has a separate entrance, and has no direct communication with any part of the premises in which intoxicating liquor is sold, and is a part ordinarily let for the purpose of chambers or offices or for holding public meetings or arbitrations ; or
- (4.) Knowing that the same are intended to be used as a committee room at an election, lets any part of any such premises, not being such a part as aforesaid, for such use ; or
- (5.) Provides any cab, carriage, or other conveyance to carry an elector to a polling place with the view to influence the vote of the elector ;

Other illegal practices.

is guilty of an offence, and is liable, on summary conviction, to a fine of One hundred pounds.

If the offence was committed with respect to a parliamentary election, and the offender was a candidate, or the agent of a candidate, at the election, he also incurs the same incapacity as a person convicted of any of the offences defined in the last preceding section committed with respect to a parliamentary election.

**104.** A PROSECUTION for any of the offences hereinbefore defined in this chapter must be begun within one year after the offence is committed, or, if it is committed with respect to a parliamentary election with respect to which a petition is tried by the elections tribunal, within three months after the report of

Corrupt and illegal practices : Time.



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of the elections tribunal is made, whichever period last expires, so that it is begun within two years after the offence is committed.

The service or execution of process on or against the alleged offender is deemed to be the commencement of the prosecution, unless such service or execution is prevented by some act on his part, in which case the issue of the process is deemed to be the commencement of the proceeding.

Interference at  
elections.

**105.** ANY person who—

- (1.) Intrudes into a polling-booth, not being lawfully entitled to be in it ; or
- (2.) Wilfully interrupts, obstructs, or disturbs any proceedings at an election ;

is guilty of a misdemeanour, and is liable to imprisonment with hard labour for one year or to a fine of Two hundred pounds.

A person found committing the offence may be arrested without warrant by direction of the presiding officer.

Electors attempting  
to violate secrecy  
of ballot.

**106.** ANY person, who, having received a ballot-paper from the presiding officer at an election—

- (a.) Wilfully makes on the ballot-paper any mark or writing not expressly authorised by law ; or
- (b.) Wilfully fails to fold up the ballot-paper in such a manner as to conceal the names of the candidates ; or
- (c.) Wilfully fails to deposit the ballot-paper in the ballot-box in the presence of the presiding officer ;

is guilty of a misdemeanour, and is liable to imprisonment with hard labour for one year or to a fine of Two hundred pounds.

Other attempts of  
like kind.

**107.** ANY person who—

- (1.) Takes or attempts to take a ballot-paper out of a polling-booth ; or
- (2.) Whilst an elector is preparing his ballot-paper in a compartment provided for the use of electors actually voting, wilfully intrudes into the compartment ;

is guilty of a misdemeanour, and is liable to imprisonment with hard labour for two years.

A person found committing the offence may be arrested without warrant by direction of the presiding officer.

Stuffing ballot-  
boxes.

**108.** ANY person who places, or is privy to placing, in a ballot-box a ballot-paper which has not been lawfully handed to and marked by an elector is guilty of a crime, and is liable to imprisonment with hard labour for three years.

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**109.** ANY person who, being a presiding officer at an election, and whilst an elector is preparing his ballot-paper in a compartment provided for the use of electors actually voting, unlawfully and wilfully allows any other person to be in the compartment, is guilty of a misdemeanour, and is liable to imprisonment with hard labour for two years.

Offences by presiding officers at elections.

If an elector satisfies the presiding officer that he is so blind as to be unable to vote without assistance, it is lawful for the presiding officer to permit any person named and described by the elector to accompany him into the voting compartment, and to mark, fold, and deliver his voting paper for him.

Presiding officer may permit another person to mark voting-paper for an elector who is blind.

**110.** ANY person who, at an election,—

- (1.) Wilfully makes a false answer to any question which is lawfully put to him by the presiding officer, and which he is required by law to answer; or
- (2.) Being lawfully required to make a declaration before voting, wilfully makes a false declaration;

False answers to questions at elections.

is guilty of a crime, and is liable to imprisonment with hard labour for three years.

The offender cannot be arrested without warrant except by direction of the presiding officer.

**111.** ANY person who—

- (1.) At or after an election, knowingly and wilfully, and without the lawful command of some competent Court or tribunal, unfastens the fold upon a ballot-paper within which the number of an elector is written, and which fold has been made under the authority of the law; or
- (2.) Being a person required by law to discharge duties at an election at which the voting is by ballot, attempts to ascertain or discover, or aids in ascertaining or discovering, the candidate for whom the vote of any person is given at the election, except in the case of a person voting openly; or
- (3.) Having, in the exercise of his office at an election, obtained knowledge or the means of knowledge of the candidate for whom any person has voted at the election, discloses or aids in disclosing such knowledge otherwise than in answer to a question put in the course

Interfering with secrecy at elections.

*Criminal Code.*

course of proceedings before some competent Court or tribunal ; or

- (4.) Being a person required by law to discharge duties at an election, places upon a ballot-paper any mark or writing not authorised by law ;

is guilty of a misdemeanour, and is liable to imprisonment with hard labour for two years.

Breaking seal of  
packets used at  
elections.

**112.** ANY person who knowingly and wilfully, and without the lawful command of some competent Court or tribunal, opens or breaks the seal of a sealed parcel which has been sealed up under the provisions of the laws relating to elections, is guilty of a misdemeanour, and is liable to imprisonment with hard labour for two years.

Offences at elec-  
tions when voting  
is by post

**113.** ANY person who at an election at which the voting is by post—

- (1.) Knowing that he is not entitled to vote at the election, signs his name as a voter to a voting-paper ; or
- (2.) Signs the name of another person to a voting-paper ; or
- (3.) Attests the signature to a voting-paper of any person who is, to his knowledge, not entitled to vote by means of such voting-paper ;

is guilty of a misdemeanour, and is liable to imprisonment for one year or to a fine of Two hundred pounds.

False claims.

**114.** ANY person who—

- (1.) Makes, in a claim to be inserted in a list of electors, any statement which is, to his knowledge, false in any material particular ; or
- (2.) Makes, orally or in writing, to a Court or tribunal having jurisdiction to deal with the claims of persons to be registered as electors or as persons claiming to be electors, a statement relating to the qualification of any person as an elector which is, to his knowledge, false in any material particular ;

is guilty of a crime, and is liable to imprisonment with hard labour for three years.

The offender cannot be arrested without warrant.

A person cannot be convicted of either of the offences defined in this section upon the uncorroborated testimony of one witness.

Attesting claims,  
etc., without  
inquiry.

**115.** ANY person who attests a claim, application for transfer, change of qualification, or other document requiring to be attested without satisfying himself by inquiry of the claimant or otherwise that

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that the particulars are true, is guilty of an offence, and is liable to a fine of Fifty pounds.

**116.** THE acts of authorised agents of candidates are, in matters connected with elections, deemed to be the acts of their principals, unless it be proved that such acts were committed without their knowledge or consent, and that they had neither directly nor indirectly sanctioned, countenanced, nor approved of the same in any way.

Acts of agents.

**117.** EVERY person is liable for an illegal practice committed directly or indirectly by himself, or by any other person on his behalf, except as mentioned in the last preceding section.

Liability for indirect acts.

**118.** ON any prosecution under this chapter, the certificate of the Returning Officer that the election mentioned in the certificate was duly held, and that the person named in the certificate was a candidate at such election, is conclusive evidence of the matter stated.

Certificate of Returning Officer.

#### CHAPTER XV.—SELLING AND TRAFFICKING IN OFFICES.

**119.** ANY person who—

- (1.) Corruptly asks, receives, or obtains, or agrees or attempts to receive or obtain, any property or benefit of any kind for himself or any other person on account of anything already done or omitted to be done, or to be afterwards done or omitted to be done, by him or any other person with regard to the appointment or contemplated appointment of any person to any office or employment in the Public Service, or with regard to any application by any person for employment in the Public Service; or
- (2.) Corruptly gives, confers, or procures, or promises or offers to give or confer, or to procure or attempt to procure to, upon, or for any person any property or benefit of any kind on account of any such act or omission;

Bargaining for offices in Public Service.

is guilty of a misdemeanour, and is liable to imprisonment with hard labour for three years, and to be fined at the discretion of the Court.

#### CHAPTER XVI.—OFFENCES RELATING TO THE ADMINISTRATION OF JUSTICE.

**120.** IN this chapter the term “judicial proceeding” includes any proceeding had or taken in or before any court, tribunal, or person, in which evidence may be taken on oath.

Definition of judicial proceeding.

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Judicial corruption.

**121.** ANY person who—

- (1.) Being the holder of a judicial office, corruptly asks, receives, or obtains, or agrees or attempts to receive or obtain any property or benefit of any kind for himself or any other person on account of anything already done or omitted to be done, or to be afterwards done or omitted to be done, by him in his judicial capacity ; or
- (2.) Corruptly gives, confers, or procures, or promises or offers to give or confer, or to procure or attempt to procure to, upon, or for any person holding a judicial office, or to, upon, or for any other person, any property or benefit of any kind on account of any such act or omission on the part of the person holding the judicial office ;

is guilty of a crime, and is liable to imprisonment with hard labour for fourteen years, and to be fined at the discretion of the Court.

The offender cannot be arrested without warrant.

The term “ holder of a judicial office ” in this section includes an arbitrator or umpire and any member of any board or court of conciliation or arbitration; but in the case of an offence committed by or with respect to any such person, the longest term of imprisonment is seven years.

A prosecution for any of the offences firstly defined in this section cannot be begun except by the direction of the Attorney General.

Official corruption  
not judicial but  
relating to offences.

**122.** ANY person who—

- (1.) Being a justice not acting judicially, or being a person employed in the Public Service in any capacity not judicial, for the prosecution or detention or punishment of offenders, corruptly asks, receives, or obtains, or agrees or attempts to receive or obtain, any property or benefit of any kind for himself or any other person, on account of anything already done or omitted to be done, or to be afterwards done or omitted to be done, by him, with a view to corrupt or improper interference with the due administration of justice, or the procurement or facilitation of the commission of any offence, or the protection of any offender or intending offender from detection or punishment ; or
- (2.) Corruptly gives, confers, or procures, or promises or offers to give or confer, or to procure or attempt to procure to, upon, or for any such person, or to, upon, or for any other person, any property or benefit of any kind,

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kind, on account of any such act or omission on the part of the justice or other person so employed ;  
is guilty of a crime, and is liable to imprisonment with hard labour for fourteen years, and to be fined at the discretion of the Court.

The offender cannot be arrested without warrant.

**123.** ANY person who--

Corrupting or  
threatening jurors.

- (1.) Attempts by threats or intimidation of any kind, or by benefits or promises of benefit of any kind, or by other corrupt means, to influence any person, whether a particular person or not, in his conduct as a juror in any judicial proceeding, whether he has been sworn as a juror or not ; or
- (2.) Threatens to do any injury or cause any detriment of any kind to any person on account of anything done by him as a juror in any judicial proceeding ; or
- (3.) Accepts any benefit or promise of benefit on account of anything to be done by him as a juror in any judicial proceeding, whether he has been sworn as a juror or not, or on account of anything already done by him as a juror in any judicial proceeding ;

is guilty of a misdemeanour, and is liable to imprisonment with hard labour for three years.

**124.** ANY person who in any judicial proceeding, or for the purpose of instituting any judicial proceeding, knowingly gives false testimony touching any matter which is material to any question then depending in that proceeding, or intended to be raised in that proceeding, is guilty of a crime which is called perjury.

Perjury.

It is immaterial whether the testimony is given on oath or under any other sanction authorised by law.

The forms and ceremonies used in administering the oath or in otherwise binding the person giving the testimony to speak the truth are immaterial, if he assents to the forms and ceremonies actually used.

It is immaterial whether the false testimony is given orally or in writing.

It is immaterial whether the Court or tribunal is properly constituted, or is held in the proper place, or not, if it actually acts as a Court or tribunal in the proceeding in which the testimony is given.

It is immaterial whether the person who gives the testimony is a competent witness or not, or whether the testimony is admissible in the proceeding or not.

The offender cannot be arrested without warrant.

125.

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Punishment of  
perjury.

**125.** ANY person who commits perjury is liable to imprisonment with hard labour for fourteen years.

If the offender commits the crime in order to procure the conviction of another person for a crime punishable with death, or with imprisonment with hard labour for life, he is liable to imprisonment with hard labour for life.

Evidence on charge  
of perjury.

**126.** A PERSON cannot be convicted of committing perjury or of counselling or procuring the commission of perjury upon the uncorroborated testimony of one witness.

False evidence  
before a Royal  
Commission.

**127.** ANY person who, in the course of an examination before a Royal Commission, knowingly gives a false answer to any lawful and relevant question put to him in the course of the examination is guilty of a crime, and is liable to imprisonment with hard labour for seven years.

The offender cannot be arrested without warrant.

A person cannot be convicted of the offence defined in this section upon the uncorroborated testimony of one witness.

Threatening witness  
before Royal  
Commission, etc.

**128.** ANY person who—

- (1.) Threatens to do any injury, or cause any detriment of any kind to another, with intent to prevent or hinder that other person from giving evidence before any Royal Commission or on other public inquiry; or
- (2.) Threatens, or in any way punishes, damnifies, or injures, or attempts to punish, damnify, or injure any other person for having given such evidence, or on account of the evidence which he has given, unless such evidence was given in bad faith;

is guilty of a misdemeanour, and is liable to imprisonment with hard labour for two years.

Fabricating evi-  
dence.

**129.** ANY person who, with intent to mislead any tribunal in any judicial proceeding—

- (1.) Fabricates evidence by any means other than perjury or counselling or procuring the commission of perjury; or

(2.) Knowingly makes use of such fabricated evidence; is guilty of a crime, and is liable to imprisonment with hard labour for seven years.

The offender cannot be arrested without warrant.

130.

*Criminal Code.***130.** ANY person who—

- (1.) Gives, confers, or procures, or promises or offers to give or confer, or to procure or attempt to procure, any property or benefit of any kind to, upon, or for any person, upon any agreement or understanding that any person called or to be called as a witness in any judicial proceeding shall give false testimony or withhold true testimony ; or
- (2.) Attempts by any other means to induce a person called or to be called as a witness in any judicial proceeding to give false testimony or to withhold true testimony ; or
- (3.) Asks, receives, or obtains, or agrees or attempts to receive or obtain, any property or benefit of any kind for himself or any other person, upon any agreement or understanding that any person shall, as a witness in any judicial proceeding, give false testimony or withhold true testimony ;

Corruption of witnesses.

is guilty of a crime, and is liable to imprisonment with hard labour for seven years.

The offender cannot be arrested without warrant.

**131.** ANY person who practises any fraud or deceit, or knowingly makes or exhibits any false statement, representation, token, or writing, to any person called or to be called as a witness in any judicial proceeding, with intent to affect the testimony of such person as a witness, is guilty of a misdemeanour, and is liable to imprisonment with hard labour for three years.

Deceiving witnesses.

**132.** ANY person who, knowing that any book, document, or other thing of any kind, is or may be required in evidence in a judicial proceeding, wilfully destroys it or renders it illegible or undecipherable or incapable of identification, with intent thereby to prevent it from being used in evidence, is guilty of a misdemeanour, and is liable to imprisonment with hard labour for three years.

Destroying evidence.

**133.** ANY person who wilfully prevents or attempts to prevent any person who has been duly summoned to attend as a witness before any Court or tribunal from attending as a witness, or from producing anything in evidence pursuant to the subpoena or summons, is guilty of a misdemeanour, and is liable to imprisonment for one year.

Preventing witnesses from attending.

**134.** ANY person who conspires with another to charge any person or cause any person to be charged with any offence, whether alleged to have been committed in Western Australia, or elsewhere, knowing

Conspiracy to bring false accusation.



*Criminal Code.*

knowing that such person is innocent of the alleged offence, or not believing him to be guilty of the alleged offence, is guilty of a crime.

If the offence is such that a person convicted of it is liable to be sentenced to death or to imprisonment with hard labour for life, the offender is liable to imprisonment with hard labour for life.

If the offence is such that a person convicted of it is liable to be sentenced to imprisonment with hard labour, but for a term less than life, the offender is liable to imprisonment with hard labour for fourteen years.

In any other case the offender is liable to imprisonment with hard labour for seven years.

The offender cannot be arrested without warrant.

Conspiring to  
defeat justice.

**135.** ANY person who conspires with another to obstruct, prevent, pervert, or defeat the course of justice is guilty of a crime, and is liable to imprisonment with hard labour for seven years.

The offender cannot be arrested without warrant.

Compounding  
crimes.

**136.** ANY person who asks, receives, or obtains, or agrees or attempts to receive or obtain, any property or benefit of any kind for himself or any other person, upon any agreement or understanding that he will compound or conceal a crime, or will abstain from, discontinue, or delay, a prosecution for a crime, or will withhold any evidence thereof, is guilty of an indictable offence.

If the crime is such that a person convicted of it is liable to be sentenced to death or imprisonment with hard labour for life, the offender is guilty of a crime, and is liable to imprisonment with hard labour for seven years.

In any other case the offender is guilty of a misdemeanour, and is liable to imprisonment with hard labour for three years.

The offender cannot be arrested without warrant.

Compounding  
penal actions.

**137.** ANY person who, having brought, or under pretence of bringing, an action against another person upon a penal statute in order to obtain from him a penalty for any offence committed or alleged to have been committed by him, compounds the action without the order or consent of the Court in which the action is brought or is to be brought, is guilty of a misdemeanour, and is liable to imprisonment for one year.

Advertising a  
reward for the  
return of stolen  
property, etc.

**138.** ANY person who—

- (1.) Publicly offers a reward for the return of any property which has been stolen or lost, and in the offer makes use of any words purporting that no questions will be asked

or

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or that the person producing such property will not be seized or molested ; or

- (2.) Publicly offers to return to any person who may have bought or advanced money by way of loan upon any stolen or lost property the money so paid or advanced, or any other sum of money or reward for the return of such property or ;

- (3.) Prints or publishes any such offer ;

is guilty of an offence, and is liable on summary conviction to a fine of Fifty pounds.

**139.** ANY person who—

- (1.) Being a justice and being required or authorised by law to admit an accused person to bail, without reasonable excuse, and in abuse of his office, requires excessive and unreasonable bail ; or
- (2.) Being a justice, wilfully and perversely exercises jurisdiction in any matter in which he has a personal interest ;

is guilty of a misdemeanour, and is liable to imprisonment for two years, and to be fined at the discretion of the Court.

**140.** ANY person, who, having arrested another upon a charge of an offence wilfully delays to take him before a justice to be dealt with according to law, is guilty of a misdemeanour, and is liable to imprisonment for two years.

**141.** ANY person who, in the name of a fictitious plaintiff, or in the name of a real person, but without his authority, brings an action against another person upon a penal statute for the recovery of a penalty for any offence committed or alleged to have been committed by him, is guilty of a misdemeanour, and is liable to imprisonment for two years.

**142.** ANY person who, without authority, or knowing the advertisement to be false in any material particular, inserts or causes to be inserted in the *Government Gazette*, or in any newspaper an advertisement purporting to be published under the authority of any Court or tribunal, is guilty of a misdemeanour, and is liable to imprisonment with hard labour for two years.

**143.** ANY person who attempts, in any way not specially defined in this Code, to obstruct, prevent, pervert, or defeat the course of justice, is guilty of a misdemeanour, and is liable to imprisonment with hard labour for two years.

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## CHAPTER XVII.—ESCAPES : RESCUES : OBSTRUCTING OFFICERS OF COURTS.

Forcibly rescuing capital offenders.

**144.** ANY person who by force rescues or attempts to rescue from lawful custody an offender under sentence of death, or a person committed to prison on a charge of a crime punishable with death, is guilty of a crime, and is liable to imprisonment with hard labour for life.

Aiding prisoners to escape.

**145.** ANY person who—

- (1.) Aids a prisoner in escaping or attempting to escape from lawful custody ; or
- (2.) Conveys anything or causes anything to be conveyed into a prison with intent to facilitate the escape of a prisoner ;

is guilty of a crime, and is liable to imprisonment with hard labour for seven years.

Escape by prisoner.

**146.** ANY person who, being a prisoner in lawful custody under sentence after conviction for an indictable offence, escapes from such custody is guilty of a crime, and is liable to imprisonment with hard labour for three years.

The offender may be tried, convicted, and punished, notwithstanding that at the time of his apprehension or trial the term of his original sentence has expired.

Permitting escape.

**147.** ANY person who, being an officer of a prison or police officer, and being charged, for the time being, with the custody of a prisoner or a person under arrest upon a charge of an offence, wilfully permits him to escape from custody, is guilty of a misdemeanour, and is liable to imprisonment with hard labour for three years.

Harbouring escaped prisoners.

**148.** ANY person who harbours, maintains, or employs a person who is, to his knowledge, an offender under sentence of such a kind as to involve deprivation of liberty, and illegally at large, is guilty of a misdemeanour, and is liable to imprisonment for two years, or to a fine of Two hundred pounds.

Rescuing insane persons.

**149.** ANY person who—

- (1.) Rescues any person during his conveyance as an insane person to a hospital or reception house for the insane, or to a house licensed under the laws relating to insane persons for the reception of patients, or to a prison, or rescues any person during his confinement as an insane person in any such place ; or

(2.)

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- (2.) Being in charge of a person during his conveyance as an insane person to any such place, wilfully permits him to escape from custody ; or
- (3.) Being a superintendent of, or person employed in any such place, wilfully permits a person confined therein as an insane person to escape therefrom ; or
- (4.) Conceals any such person as aforesaid who has, to his knowledge, been rescued during such conveyance or confinement, or has, to his knowledge, escaped during such conveyance, or from such confinement ;

is guilty of a misdemeanour, and is liable to imprisonment with hard labour for three years.

**150.** ANY person who, when any property has been attached or taken under the process or authority of any Court of justice, knowingly, and with intent to hinder or defeat the attachment, or process, receives, removes, retains, conceals, or disposes of such property, is guilty of a misdemeanour, and is liable to imprisonment with hard labour for three years.

Removing, etc.,  
property under law-  
ful seizure.

**151.** ANY person who wilfully obstructs or resists any person lawfully charged with the execution of an order or warrant of any Court of justice is guilty of a misdemeanour, and is liable to imprisonment with hard labour for one year, or to a fine of One hundred pounds.

Obstructing officers  
of Courts of justice.

Or he may be summarily convicted before two justices, in which case he is liable to imprisonment with hard labour for six months, or to a fine of Fifty pounds.

#### CHAPTER XVIII.—OFFENCES RELATING TO THE COIN.

**152.** IN this chapter—

The term “current,” applied to coin, includes coin of any of the kinds or denominations of coin which are coined in any of His Majesty’s mints, or are lawfully current by virtue of any proclamation or otherwise in any part of His Majesty’s dominions, whether within the United Kingdom or elsewhere ;

The term “metal” includes any mixture or alloy of metals ;

The term “copper,” applied to coin, includes any metal of less value than the silver or alloy of silver used in the silver coin of the country in question ;

The term “counterfeit” applied to coin, means coin not genuine, but resembling or apparently intended to resemble or pass for genuine coin, and includes genuine coin which has been prepared or altered so as to resemble

or

Definitions.

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or be apparently intended to resemble or pass for coin of a higher denomination, and also genuine coin which has been clipped or filed, or the size or weight of which has been otherwise diminished, and which has been prepared or altered so as to conceal such clipping, filing, or diminution; it includes any such coin whether it is or is not in a fit state to be uttered, and whether the process of preparation or alteration is or is not complete;

The terms "gild" and "silver" applied to coin, include producing the appearance of gold or silver respectively by any means whatever;

The term "utter" means and includes using, dealing with, or acting upon, and attempting to use, deal with, or act upon, and attempting to induce any person to use, deal with, or act upon, the thing in question as if it were genuine.

Counterfeiting gold  
and silver coin.

**153.** ANY person who makes or begins to make any counterfeit gold or silver coin is guilty of a crime.

If the crime is committed with respect to current coin, he is liable to imprisonment with hard labour for life.

If the crime is committed with respect to coin of a Foreign Prince or State, he is liable to imprisonment with hard labour for seven years.

Preparation for  
coining gold and  
silver coin.

**154.** ANY person who—

- (1.) Gilds or silvers any piece of metal of a fit size or figure to be coined, with intent that it shall be coined into counterfeit gold or silver coin; or
- (2.) Makes any piece of metal into a fit size or figure to facilitate the coining from it of any counterfeit gold or silver coin, with intent that such counterfeit coin shall be made from it; or
- (3.) Without lawful authority or excuse, the proof of which lies on him—
  - (a.) Buys, sells, receives, pays, or disposes of any counterfeit gold or silver coin at a lower rate than it imports or is apparently intended to import, or offers to do any such thing; or
  - (b.) Brings or receives into Western Australia any counterfeit gold or silver coin, knowing it to be counterfeit; or
  - (c.) Makes or mends, or begins or prepares to make or mend, or has in his possession, or disposes of any stamp or mould which is adapted to make the resemblance

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resemblance of both or either of the sides of any gold or silver coin, or any part of either side thereof, knowing the same to be such a stamp or mould, or to be so adapted ; or

- (d.) Makes or mends, or begins or prepares to make or mend, or has in his possession, or disposes of any tool, instrument, or machine, which is adapted and intended to be used for marking coin round the edges with marks or figures apparently resembling those on the edges of any gold or silver coin, knowing the same to be so adapted and intended ; or
- (e.) Makes or mends, or begins or prepares to make or mend, or has in his possession, or disposes of any press for coinage, or any tool, instrument, or machine which is adapted for cutting round blanks out of gold, silver, or other metal, knowing such press, tool, instrument, or machine to have been used or to be intended to be used for making any counterfeit gold or silver coin ; or
- (f.) Knowingly conveys out of any of His Majesty's mints any stamp, mould, tool, instrument, machine, or press, used or employed in coining, or any useful part of any of such things, or any coin, bullion, or metal ;

is guilty of a crime.

If the crime is committed with respect to current coin, he is liable to imprisonment with hard labour for life.

If the crime is committed with respect to the coin of a Foreign Prince or State, he is liable to imprisonment with hard labour for seven years.

**155.** ANY person who deals with any current gold or silver coin in such a manner as to diminish its weight, with intent that when so dealt with it may pass as current gold or silver coin, is guilty of a crime, and is liable to imprisonment with hard labour for life. Clipping.

**156.** ANY person who unlawfully has in his possession or disposes of any filings or clippings of gold or silver, or any gold or silver in bullion, dust, solution, or any other state, obtained by dealing with current gold or silver coin in such a manner as to diminish its weight, knowing the same to have been so obtained, is guilty of a crime, and is liable to imprisonment with hard labour for seven years. Possession of clippings.

**157.**

Uttering counterfeit gold or silver coin.

**157.** ANY person who utters any counterfeit gold or silver coin, knowing it to be counterfeit, is guilty of a misdemeanour.

If the offence is committed with respect to current coin, he is liable to imprisonment with hard labour for two years.

If the offence is committed with respect to coin of a Foreign Prince or State, he is liable to imprisonment with hard labour for one year.

A person found committing the offence may be arrested without warrant.

Repeated uttering of counterfeit current gold or silver coin, or possession of several such coins.

**158.** ANY person who—

- (1.) Utters any counterfeit gold or silver coin, knowing it to be counterfeit, and at the time of such uttering has in his possession any other counterfeit gold or silver coin; or
- (2.) Utters any counterfeit gold or silver coin, knowing it to be counterfeit, and either on the same day or on any of the ten days next ensuing utters any other counterfeit current gold or silver coin knowing it to be counterfeit; or
- (3.) Has in his possession three or more pieces of counterfeit current gold or silver coin, knowing them to be counterfeit, and with intent to utter any of them;

is guilty of a misdemeanour, and is liable to imprisonment with hard labour for three years.

A person found committing the offence may be arrested without warrant.

Offences after previous conviction.

**159.** ANY person who commits any of the offences defined in the two last preceding sections, after having been previously convicted of any of those offences committed with respect to current coin or of any crime committed with respect to current coin, or after having been twice previously convicted of any of those offences committed with respect to coin of a Foreign Prince or State, is guilty of a crime, and is liable to imprisonment with hard labour for life.

Counterfeiting copper coin.

**160.** ANY person who—

- (1.) Makes or begins to make any counterfeit copper coin; or
- (2.) Without lawful authority or excuse, the proof of which lies on him knowingly—
  - (a.) Makes or mends, or begins or prepares to make or mend, or has in his possession, or disposes of,

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of, any tool, instrument, or machine which is adapted and intended for making any counterfeit copper coin, knowing the same to be so adapted and intended ; or

- (b.) Buys, sells, receives, pays, or disposes of any counterfeit copper coin at a lower rate of value than it imports or was apparently intended to import, or offers to do any such thing ;

is guilty of an offence.

If the offence is committed with respect to current coin, the offender is guilty of a crime, and is liable to imprisonment with hard labour for seven years.

If the offence is committed with respect to coin of a Foreign Prince or State, the offender is guilty of a misdemeanour, and is liable, on conviction, to imprisonment with hard labour for twelve months. If found committing the offence, he may be arrested without warrant.

If the offence is committed with respect to coin of a Foreign Prince or State, and the offender has been previously convicted of any such offence, he is guilty of a crime, and is liable to imprisonment with hard labour for seven years.

**161.** ANY person who—

Uttering base copper coin.

- (1.) Utters any counterfeit current copper coin, knowing it to be counterfeit ; or
- (2.) Has in his possession three or more pieces of counterfeit current copper coin, knowing them to be counterfeit, and with intent to utter any of them ;

is guilty of a misdemeanour, and is liable to imprisonment with hard labour for one year.

A person found committing the offence may be arrested without warrant.

**162.** ANY person who defaces any current coin by stamping thereon any name or word, whether the weight of the coin is or is not thereby diminished, is guilty of a misdemeanour, and is liable to imprisonment with hard labour for one year.

Defacing coin by stamping words thereon.

A person found committing the offence may be arrested without warrant.

**163.** ANY person who, with intent to defraud, utters as and for current gold or silver coin—

Uttering foreign coin, medals, etc., as current coin with intent to defraud.

- (a.) Any coin which is not current coin ; or

(b.)



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(b.) Any medal or piece of metal, whether a coin or not, which is of less value than the current coin as and for which it is uttered ;

is guilty of a misdemeanour, and is liable to imprisonment with hard labour for one year.

A person found committing the offence may be arrested without warrant.

Exporting counterfeit coin.

**164.** ANY person who, without lawful authority or excuse, the proof of which lies on him, exports or puts on board of a vessel or vehicle of any kind, for the purpose of being exported from Western Australia, any counterfeit current coin whatever, knowing it to be counterfeit, is guilty of a misdemeanour, and is liable to imprisonment with hard labour for two years.

A person found committing the offence may be arrested without warrant.

Having possession of more than five pieces of counterfeit foreign coin.

**165.** ANY person who, without lawful authority, or excuse, the proof of which lies on him, has in his possession more than five pieces of counterfeit coin of any Foreign Prince or State, is guilty of an offence, and is liable, on summary conviction, to a fine not exceeding Forty shillings and not less than Ten shillings, for every such counterfeit coin found in his possession, and to forfeiture of the counterfeit coin, which is to be destroyed by order of the justices.

In default of immediate payment of the fine, he is liable to imprisonment with hard labour for three months, unless the fine is sooner paid.

Tender of defaced coin not legal tender: Penalty for uttering.

**166.** ANY person who utters any current coin, which is defaced by the stamping of any name or word thereon, is guilty of an offence, and is liable on summary conviction, to a fine of Forty shillings.

A prosecution for any such offence cannot be commenced without the consent of the Attorney General.

A tender of payment in money made in any coin so defaced is not a legal tender.

#### CHAPTER XIX.—OFFENCES RELATING TO MAILS.

Stopping mails.

**167.** ANY person who stops a mail conveyance, or stops any person engaged in conveying or delivering a mail, with intent to search the mail, is guilty of a crime, and is liable to imprisonment with hard labour for fourteen years.

The term "mail conveyance" includes any conveyance of any kind by which a mail is carried, and also any vessel employed by or under

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under the postal authority of any country, or the Admiralty, for the conveyance of mails, whether under contract or not, and also a ship of war or other vessel in the service of His Majesty in respect of letters conveyed by it.

CHAPTER XX.—MISCELLANEOUS OFFENCES AGAINST PUBLIC  
AUTHORITY.

**168.** ANY person who subscribes a certificate or declaration as to the execution of a sentence of death, which in any material particular, is to his knowledge false, is guilty of a crime, and is liable to imprisonment with hard labour for fourteen years.

False declaration  
as to execution of  
sentence of death.

**169.** ANY person who, on any occasion on which a person making a statement touching any matter is required by law to make it on oath or under some sanction which may by law be substituted for an oath, or is required to verify it by solemn declaration or affirmation, makes a statement touching such matter which, in any material particular, is to his knowledge false, and verifies it on oath or under such other sanction or by solemn declaration or affirmation, is guilty of a crime, and is liable to imprisonment with hard labour for seven years.

False statements  
in statements re-  
quired to be under  
oath or solemn  
declaration.

The offender cannot be arrested without warrant.

**170.** ANY person who, on any occasion on which he is permitted or required by law to make a statement or declaration before any person authorised by law to permit it to be made before him, makes a statement or declaration before that person which, in any material particular, is to his knowledge false, is guilty of a misdemeanour, and is liable to imprisonment with hard labour for three years.

False declarations  
and statements.

**171.** A PERSON cannot be convicted of any of the offences defined in the two last preceding sections upon the uncorroborated testimony of one witness.

Evidence.

**172.** ANY person who in any manner obstructs or resists any public officer while engaged in the discharge or attempted discharge of the duties of his office under any Statute, or obstructs or resists any person while engaged in the discharge or attempted discharge of any duty imposed on him by any Statute, is guilty of a misdemeanour, and is liable to imprisonment with hard labour for two years.

Resisting public  
officers.

**173.** ANY person who, being employed in the Public Service, or as an officer of any Court or tribunal, perversely and without lawful excuse omits or refuses to do any act which it is his duty to do by virtue of his employment is guilty of a misdemeanour,  
and

Refusal by public  
officer to perform  
duty.

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and is liable to imprisonment for two years, and to be fined at the discretion of the Court.

Neglect of officers  
to suppress riot.

**174.** ANY person who, being a sheriff, under sheriff, justice, mayor, or police officer, and having notice that there is a riot in his neighbourhood, without reasonable excuse omits to do his duty in suppressing such riot, is guilty of a misdemeanour, and is liable to imprisonment for two years.

Neglect to aid in  
suppressing riot.

**175.** ANY person who, having reasonable notice that he is required to assist any sheriff, under sheriff, justice, mayor, or police officer, in suppressing a riot, without reasonable excuse omits to do so, is guilty of a misdemeanour, and is liable to imprisonment for one year.

Neglect to aid in  
arresting offenders.

**176.** ANY person who, having reasonable notice that he is required to assist any sheriff, under sheriff, justice, mayor, or police officer, in arresting any person, or in preserving the peace, without reasonable excuse omits to do so, is guilty of a misdemeanour, and is liable to imprisonment for one year.

Disobedience to  
Statute Law.

**177.** ANY person who, without lawful excuse, the proof of which lies on him, does any act which he is, by the provisions of any public Statute in force in Western Australia, forbidden to do or omits to do any act which he is, by the provisions of any such Statute, required to do, is guilty of a misdemeanour, unless some mode of proceeding against him for such disobedience is expressly provided by Statute, and is intended to be exclusive of all other punishment.

The offender is liable to imprisonment for one year.

Disobedience to  
lawful order issued  
by statutory  
authority.

**178.** ANY person who, without lawful excuse, the proof of which lies on him, disobeys any lawful order issued by any Court of justice, or by any person authorised by any public Statute in force in Western Australia to make the order, is guilty of a misdemeanour, unless some mode of proceeding against him for such disobedience is expressly provided by Statute, and is intended to be exclusive of all other punishment.

The offender is liable to imprisonment for one year.

#### PART IV.—ACTS INJURIOUS TO THE PUBLIC IN GENERAL.

##### CHAPTER XXI.—OFFENCES RELATING TO RELIGIOUS WORSHIP.

**179.** ANY person who—

Offering violence to  
officiating ministers  
of religion.

(1.) By threats or force prevents or attempts to prevent any minister of religion from lawfully officiating in any place  
of

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of religious worship, or from performing his duty in the lawful burial of the dead in any cemetery or other burial place ; or

- (2.) By threats or force obstructs or attempts to obstruct any minister of religion while so officiating or performing his duty ; or
- (3.) Assaults, or, upon or under the pretence of executing any civil process, arrests any minister of religion who is engaged in, or is, to the knowledge of the offender, about to engage in, any of the offices or duties aforesaid, or who is, to the knowledge of the offender, going to perform the same or returning from the performance thereof ;

is guilty of a misdemeanour, and is liable to imprisonment with hard labour for two years.

**180.** ANY person who wilfully and without lawful justification or excuse, the proof of which lies on him, disquiets or disturbs any meeting of persons lawfully assembled for religious worship, or assaults any person lawfully officiating at any such meeting, or any of the persons there assembled, is guilty of an offence, and is liable on summary conviction to imprisonment for two months, or to a fine of Five pounds.

Disturbing religious worship.

CHAPTER XXII.—OFFENCES AGAINST MORALITY.

**181.** ANY person who—

- (1.) Has carnal knowledge of any person against the order of nature ; or
- (2.) Has carnal knowledge of an animal ; or
- (3.) Permits a male person to have carnal knowledge of him or her against the order of nature ;

Unnatural offences.

is guilty of a crime, and is liable to imprisonment with hard labour for fourteen years, with or without whipping.

**182.** ANY person who attempts to commit any of the crimes defined in the last preceding section is guilty of a crime, and is liable to imprisonment with hard labour for seven years, with or without whipping.

Attempt to commit unnatural offences.

The offender cannot be arrested without warrant.

**183.** ANY person who unlawfully and indecently deals with a boy under the age of fourteen years is guilty of a crime, and is liable to imprisonment with hard labour for seven years, with or without whipping.

Indecent treatment of boys under fourteen.

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The term "deal with" includes doing any act which, if done without consent, would constitute an assault as hereinafter defined.

Indecent practices  
between males.

**184.** ANY male person who, whether in public or private, commits any act of gross indecency with another male person, or procures another male person to commit any act of gross indecency with him, or attempts to procure the commission of any such act by any male person with himself or with another male person, whether in public or private, is guilty of a misdemeanour, and is liable to imprisonment with hard labour for three years, with or without whipping.

Defilement of girls  
under thirteen.

**185.** ANY person who has unlawful carnal knowledge of a girl under the age of thirteen years is guilty of a crime, and is liable to imprisonment with hard labour for life, with or without whipping.

Any person who attempts to have unlawful carnal knowledge of a girl under the age of thirteen years is guilty of a misdemeanour, and is liable to imprisonment with hard labour for three years, with or without whipping.

In the case of an offender whose age does not exceed sixteen years, the Court, instead of sentencing him to any term of imprisonment, may, in addition to the sentence of whipping, or without such sentence, order him to be sent to an industrial or reformatory school and to be there detained for a period not exceeding three years.

A prosecution for either of the offences defined in this section must be begun within three months after the offence is committed.

A person cannot be convicted of either of the offences defined in this section upon the uncorroborated testimony of one witness.

The wife of the accused person is a competent and compellable witness.

If the girl in respect of whom an offence under this section is charged to have been committed, or any other child of tender years who is tendered as a witness, does not, in the opinion of the Court or justices, understand the nature of an oath, the evidence of such girl or child of tender years may be received, although not given on oath, if, in the opinion of the Court or justices, such girl or other child of tender years is possessed of sufficient intelligence to justify the reception of the evidence, and understands the duty of speaking the truth: But no person may be convicted of the offence unless the testimony admitted by virtue of this section, and given on behalf of the prosecution, is corroborated by other material evidence in support thereof implicating the accused. Any such witness whose evidence has been so received is liable to indictment and punishment for perjury in all respects as if he or she had been sworn.

186.

*7th paragraph repealed of Sec. 185 -  
by 31 of 1906*

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**186.** ANY person who, being the owner or occupier of any premises, or having, or acting or assisting in the management or control of any premises, induces or knowingly permits any girl of such age as is in this section mentioned to resort to or be in or upon such premises for the purpose of being unlawfully carnally known by any man, whether a particular man or not, is guilty of an indictable offence.

Householder  
permitting  
defilement of young  
girls on his  
premises.

If the girl is under the age of sixteen years, he is guilty of a misdemeanour, and is liable to imprisonment with hard labour for two years, with or without whipping.

If the girl is under the age of thirteen years, he is guilty of a crime, and is liable to imprisonment with hard labour for life, with or without whipping.

It is a defence to a charge of any of the offences defined in this section to prove that the accused person believed, on reasonable grounds, that the girl was of or above the age of sixteen years.

The husband or wife of the accused person is a competent and compellable witness.

**187.** ANY person who attempts to have unlawful carnal knowledge of a girl under the age of ten years is guilty of a crime, and is liable to imprisonment with hard labour for fourteen years, with or without whipping.

Attempt to abuse  
girls under ten.

The offender cannot be arrested without warrant.

The wife of the accused person is a competent and compellable witness.

The provision of the last paragraph of section two hundred and twelve applies also to this section.

*4th paragraph  
of sec. 151 repealed  
by 31 of 1906*

**188.** ANY person who—

(1.) Has or attempts to have unlawful carnal knowledge of a girl under the age of sixteen years ; or

(2.) Knowing a woman or girl to be an idiot or imbecile, has or attempts to have unlawful carnal knowledge of her ; is guilty of a misdemeanour, and is liable to imprisonment with hard labour for two years, with or without whipping.

Defilement of girls  
under sixteen and  
of idiots.

It is a defence to a charge of either of the offences firstly defined in this section to prove that the accused person believed, on reasonable grounds, that the girl was of or above the age of sixteen years.

A prosecution for either of the offences firstly defined in this section must be begun within three months after the offence is committed.

A person cannot be convicted of any of the offences defined in this section upon the uncorroborated testimony of one witness.

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The wife of the accused person is a competent and compellable witness.

Indecent treatment  
of girls under six-  
teen.

**189.** ANY person who unlawfully and indecently deals with a girl under the age of sixteen years is guilty of a misdemeanour, and is liable to imprisonment with hard labour for two years.

If the girl is under the age of thirteen years he is liable to imprisonment with hard labour for three years, with or without whipping.

It is a defence to a charge of the offence defined in this section to prove that the accused person believed, on reasonable grounds, that the girl was of or above the age of sixteen years.

The wife of the accused person is a competent and compellable witness.

The term "deal with" includes doing any act which, if done without consent, would constitute an assault as hereinafter defined.

Defilement by  
guardian, etc.

**190.** ANY person who, being the guardian, teacher, or school-master of any girl or woman under the age of seventeen years, unlawfully and carnally knows, or attempts to have unlawful and carnal knowledge of such girl or woman, is guilty of a misdemeanour, and is liable to imprisonment with hard labour for two years with or without whipping.

The wife of the accused person is a competent and compellable witness.

Procuration.

**191.** ANY person who—

- (1.) Procures a girl or woman who is under the age of twenty-one years, and is not a common prostitute or of known immoral character, to have unlawful carnal connection with a man, either in Western Australia or elsewhere ;  
or
- (2.) Procures a woman or girl to become a common prostitute either in Western Australia or elsewhere ; or
- (3.) Procures a woman or girl to leave Western Australia, with intent that she may become an inmate of a brothel, elsewhere ; or
- (4.) Procures a woman or girl to leave her usual place of abode in Western Australia, such place not being a brothel, with intent that she may, for the purposes of prostitution, become an inmate of a brothel, either in Western Australia or elsewhere ;

is guilty of a misdemeanour, and is liable to imprisonment with hard labour for two years.

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A person cannot be convicted of any of the offences defined in this section upon the uncorroborated testimony of one witness.

The husband or wife of the accused person is a competent and compellable witness.

**192.** ANY person who—

- (1.) By threats or intimidation of any kind procures a woman or girl to have unlawful carnal connection with a man, either in Western Australia or elsewhere ; or
- (2.) By any false pretence procures a woman or girl, who is not a common prostitute or of known immoral character, to have unlawful carnal connection with a man, either in Western Australia or elsewhere ; or
- (3.) Administers to a woman or girl, or causes a woman or girl to take, any drug or other thing with intent to stupefy or overpower her in order to enable any man, whether a particular man or not, to have unlawful carnal knowledge of her ;

Procuring defilement of woman by threats, or fraud, or administering drugs.

is guilty of a misdemeanour, and is liable to imprisonment with hard labour for two years.

A person cannot be convicted of any of the offences defined in this section upon the uncorroborated testimony of one witness.

The husband or wife of the accused person is a competent and compellable witness.

**193.** ANY person who, with intent that an unmarried girl under the age of eighteen years may be unlawfully carnally known by any man, whether a particular man or not, takes her or causes her to be taken out of the custody or protection of her father or mother, or other person having the lawful care or charge of her, and against the will of such father or mother or other person, is guilty of a misdemeanour, and is liable to imprisonment with hard labour for two years.

Abduction of girl under eighteen with intent to have carnal knowledge.

It is a defence to a charge of any of the offences defined in this section to prove that the accused person believed, on reasonable grounds, that the girl was of or above the age of eighteen years.

The husband or wife of the accused person is a competent and compellable witness.

**194.** ANY person who—

- (1.) Detains a woman or girl against her will in or upon any premises in order to her being unlawfully carnally known

Unlawful detention with intent to defile, or in a brothel.



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known by any man, whether a particular man or not ;  
or

(2.) Detains a woman or girl against her will in a brothel ; is guilty of a misdemeanour, and is liable to imprisonment with hard labour for two years.

The husband or wife of the accused person is a competent and compellable witness.

When a woman or girl is in or upon any premises in order to her being unlawfully carnally known by any man, whether a particular man or not, or is in a brothel, a person is deemed to detain such woman or girl in or upon such premises in order to her being so unlawfully carnally known, or to detain her in such brothel if, with intent to compel or induce her to remain in or upon the premises or in the brothel, he withholds from her any wearing apparel or other property belonging to her, or if, after wearing apparel has been lent or otherwise supplied to the woman or girl by or by the direction of such person or any other person, he threatens the woman or girl with legal proceedings if she takes away with her the wearing apparel so lent or supplied.

It is lawful for a woman or girl to take any such wearing apparel as may be necessary to enable her to leave a brothel or any premises in or upon which she is in order to her being unlawfully carnally known by any man.

Permitting boys to  
resort to brothels.

**195.** ANY person who, being the owner or occupier of any premises, or having, or aiding or assisting in the management or control thereof, induces, or knowingly suffers any boy under the age of sixteen years to resort to, or be in or upon such premises for the purpose of unlawfully and carnally knowing any girl or woman, whether intended to be with any particular girl or woman, or generally, is guilty of a misdemeanour, and is liable to imprisonment with hard labour for two years.

Conspiracy to defile.

**196.** ANY person who conspires with another to induce any woman or girl, by means of any false pretence or other fraudulent means, to permit any man to have unlawful carnal knowledge of her is guilty of a misdemeanour, and is liable to imprisonment with hard labour for three years.

Incest by man.

**197.** ANY person who carnally knows a woman or girl who is, to his knowledge, his daughter or other lineal descendant, or his sister or half-sister, is guilty of a crime, and is liable to imprisonment with hard labour for life.

Any person who attempts to have carnal knowledge of a woman or girl who is, to his knowledge, his daughter, or other lineal

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lineal descendant, or his sister or half-sister, is guilty of a crime, and is liable to imprisonment with hard labour for seven years.

It is immaterial that the carnal knowledge was had, or that the attempt was made, with the consent of the woman or girl.

The wife of the accused person is a competent and compellable witness.

**198.** ANY woman or girl of or above the age of eighteen years who permits her father or other lineal ancestor, or her brother, or half-brother, to have carnal knowledge of her, knowing him to be her father or other lineal ancestor, or her brother, as the case may be, is guilty of a misdemeanour, and is liable to imprisonment with hard labour for three years.

Incest by adult female.

It is a defence to a charge of the offence defined in this section that the woman or girl was, at the time when she permitted her father or other lineal ancestor, or her brother, or half-brother, to have carnal knowledge of her, acting under his coercion.

The husband of the accused person is a competent and compellable witness.

**199.** ANY person who with intent to procure the miscarriage of a woman, whether she is or is not with child, unlawfully administers to her or causes her to take any poison or other noxious thing, or uses any force of any kind, or uses any other means whatever, is guilty of a crime, and is liable to imprisonment with hard labour for fourteen years.

Attempts to procure abortion.

**200.** ANY woman who, with intent to procure her own miscarriage, whether she is or is not with child, unlawfully administers to herself any poison or other noxious thing, or uses any force of any kind, or uses any other means whatever, or permits any such thing or means to be administered or used to her, is guilty of a crime, and is liable to imprisonment with hard labour for seven years.

The like by women with child.

**201.** ANY person who unlawfully supplies to or procures for any person any thing whatever, knowing that it is intended to be unlawfully used to procure the miscarriage of a woman, whether she is or is not with child, is guilty of a misdemeanour, and is liable to imprisonment with hard labour for three years.

Supplying drugs or instruments to procure abortion.

**202.** THE consent of the girl or woman is no defence to any charge defined in this chapter.

Consent no defence.

**203.** ANY person who—

- (1.) Wilfully and without lawful excuse does any indecent act in any place to which the public are permitted to have

Indecent acts

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have access, whether on payment of a charge for admission or not; or

(2.) Wilfully does any indecent act in any place with intent to insult or offend any person;  
is guilty of a misdemeanour, and is liable to imprisonment with hard labour for two years.

Obscene publications and exhibitions.

**204.** ANY person who knowingly, and without lawful justification or excuse,—

- (1.) Publicly sells or exposes for sale any obscene book or other obscene printed or written matter, or any obscene picture, photograph, drawing, or model, or any other object tending to corrupt morals; or
- (2.) Exposes to view in any place to which the public are permitted to have access, whether on payment of a charge for admission or not, any obscene picture, photograph, drawing or model, or any other object tending to corrupt morals; or
- (3.) Publicly exhibits any indecent show or performance, whether on payment of a charge for admission to see the show or performance or not;

is guilty of a misdemeanour; and is liable to imprisonment with hard labour for two years.

It is a defence to a charge of any of the offences defined in this section to prove that it was for the public benefit that the act complained of should be done.

Whether the doing of any such act is or is not for the public benefit is a question of fact.

Knowledge of age immaterial.

**205.** EXCEPT as otherwise expressly stated, it is immaterial, in the case of any of the offences defined in this chapter committed with respect to a woman or girl under a specified age, that the accused person did not know that the woman or girl was under that age, or believed that she was not under that age.

CHAPTER XXIII.—NUISANCES: MISCONDUCT RELATING TO CORPSES.

Common nuisances.

**206.** ANY person who—

- (1.) Without lawful justification or excuse, the proof of which lies on him, does any act, or omits to do any act with respect to any property under his control, by which act or omission danger is caused to the lives, safety, or health of the public; or
- (2.) Without lawful justification or excuse, the proof of which lies on him, does any act, or omits to do any act with respect

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respect to any property under his control, by which act or omission danger is caused to the property or comfort of the public, or the public are obstructed in the exercise or enjoyment of any right common to all His Majesty's subjects, and by which injury is caused to the person of some person :

is guilty of a misdemeanour, and is liable to imprisonment for two years.

**207.** ANY person who keeps a house, room, set of rooms, or place of any kind whatever for purposes of prostitution, is guilty of a misdemeanour, and is liable to imprisonment with hard labour for three years. Bawdy houses.

**208.** A PERSON who—

Gaming houses.

- (1.) Keeps for gain any place to which persons resort for the purpose of playing at any game of chance ; or
- (2.) Keeps any place which is kept or used for playing therein at any game of chance, or any game of mixed chance and skill, and in which—

(a.) A bank is kept by one or more of the players exclusively of the others ; or

(b.) Any game is played the chances of which are not alike favourable to all the players, including the banker or other persons by whom the game is managed, or against whom the other players stake, play, or bet ;

is said to keep a common gaming house.

Any person who keeps a common gaming house is guilty of a misdemeanour, and is liable to imprisonment with hard labour for three years.

Or he may be summarily convicted before two Justices, in which case he is liable to imprisonment with hard labour for six months, or to a fine of One hundred pounds.

**209.** (1.) ANY house or room, or any place whatsoever which is used for any of the purposes following, that is to say :— Betting houses.

- (i.) For the purpose of bets being made therein between persons resorting to the place ; or
- (ii.) For the purpose of bets being made therein between persons resorting to the place and—
  - (a.) The owner, occupier, or keeper of the place, or any person using the place ; or
  - (b.) Any person procured or employed by or acting for or on behalf of any such owner, occupier, .

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occupier, or keeper, or person using the place ; or

(c.) Any person having the care or management, or in any manner conducting the business of the place ; or

(iii.) For the purpose of any money or other property being paid or received therein by or on behalf of any such owner, occupier, or keeper, or person using the place as or for the consideration—

(d.) For an assurance, undertaking, promise, or agreement, express or implied, to pay or give thereafter any money or other property on any event or contingency of or relating to any horse-race, or other race, fight, game, sport, or exercise ; or

(e.) For securing the paying or giving by some other person of any money or other property on any such event or contingency ;

is called a common betting house.

Any person who opens, keeps, or uses a common betting house is guilty of a misdemeanour, and is liable to imprisonment with hard labour for three years.

Or he may be summarily convicted before two justices, in which case he is liable to imprisonment with hard labour for six months, or to a fine of One hundred pounds.

(2.) Any person who, being the owner or occupier of any house, room, or place, knowingly and wilfully permits it to be opened, kept, or used as a common betting house by another person, or who has the use or management, or assists in conducting the business of a common betting house, is guilty of an offence, and is liable on summary conviction to imprisonment with hard labour for six months, or to a fine of One hundred pounds.

The Western Australian Turf Club, and any other club or company, incorporated or otherwise, registered by the Western Australian Turf Club, and authorised by the Colonial Treasurer, and any person, with the permission of any such club or company, may have, use, and play with on the racecourse of such club or company, during the days of any race meeting, the instrument known as the totalisator.

**210.** ANY person who opens, keeps, or uses any place for carrying on a lottery of any kind whatever is guilty of a misdemeanour, and is liable to imprisonment with hard labour for three years ; or may be summarily convicted before two justices, in which case he is liable to imprisonment with hard labour for six months, or to a fine of One hundred pounds.

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The term "lottery" includes any scheme or device for the sale, gift, disposal, or distribution of any property depending upon or to be determined by lot or chance, whether by the throwing or casting of dice, or the drawing of tickets, cards, lots, numbers, or figures, or by means of a wheel or trained animal, or otherwise howsoever.

**211.** ANY person who appears, acts, or behaves as master or mistress, or as the person having the care or management of any such house, room, set of rooms, or place as is mentioned in the four last preceding sections, is to be taken to be the keeper thereof, whether he is or is not the real keeper.

Acting as keeper of bawdy houses, gaming houses, betting houses, and lotteries.

**212.** ANY person who, without lawful justification or excuse, the proof of which lies on him,—

Misconduct with regard to corpses.

(1.) Neglects to perform any duty imposed upon him by law, or undertaken by him, whether for reward or otherwise, touching the burial or other disposition of a human body or human remains; or

(2.) Improperly or indecently interferes with, or offers any indignity to, any dead human body or human remains, whether buried or not;

is guilty of a misdemeanour, and is liable to imprisonment with hard labour for two years.

#### CHAPTER XXIV.—OFFENCES AGAINST PUBLIC HEALTH.

**213.** ANY person who, being the master or medical officer of a ship arriving from beyond sea, neglects or refuses to give to any officer employed in the Public Service any information which he is required by law to give to him, or gives to any such officer, either verbally or in writing, any information touching any matter as to which he is required by law to give him information, which information is, to his knowledge, false in any material particular, is guilty of a misdemeanour, and is liable to imprisonment with hard labour for two years, and to a fine of Three hundred pounds.

False information as to health of foreign ships.

**214.** ANY person who knowingly exposes for sale for the food of man, or has in his possession with intent to sell it for the food of man, any article which he knows to be unfit for the food of man, is guilty of a misdemeanour, and is liable to imprisonment with hard labour for two years.

Exposing for sale things unfit for food.

**215.** ANY person who—

(1.) Knowingly takes into a slaughter house used for the slaughter of any animals intended for the food of man, the

Dealing in diseased meat.

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the whole or any part of the carcass of any animal which has died of any disease ; or

- (2.) Knowingly sells or exposes for sale the whole or part of the carcass of any animal which has died of any disease or which was diseased when slaughtered ;

is guilty of a misdemeanour, and is liable to imprisonment with hard labour for two years.

Adulterating liquor.

**216.** ANY person who—

- (1.) Puts any deleterious or poisonous substance into any spirituous or fermented liquor, or mixes any such substance with any such liquor ; or
- (2.) Sells or otherwise disposes of, or keeps for sale, any spirituous or fermented liquor into which any such substance has been put, or with which any such substance has been mixed ;

is guilty of a misdemeanour, and is liable on conviction to imprisonment with hard labour for two years, or to a fine of Two hundred pounds.

Adulteration of beverages.

**217.** ANY person who, being a public brewer or maker of any liquor intended to be used as a beverage for man—

- (1.) Uses in the brewing or making of the liquor any deleterious or poisonous substance ; or
- (2.) Puts any such substance into, or mixes any such substance with, the liquor, whether before or after the brewing or making is complete ;

is guilty of an offence, and is liable, on summary conviction, to a fine of Two hundred pounds, and to forfeiture of the liquor.

If the offender, before committing the offence, has been previously convicted of any such offence, he is guilty of a misdemeanour, and is liable to imprisonment for two years, as well as to forfeiture of the liquor.

CHAPTER XXV.—MISCELLANEOUS OFFENCES.

Frauds on land laws.

**218.** ANY person who, for the purpose of acquiring land from the Crown, fraudulently evades or attempts to evade any of the provisions of the Statutes relating to the sale or leasing of Crown lands is guilty of a misdemeanour, and is liable to imprisonment with hard labour for two years.

And all his interest, if any, in the land is forfeited to His Majesty

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**219.** ANY person who buys or takes on lease any land, or any estate in any land, from any person who has acquired the land or the estate by means of any fraudulent evasion of the laws relating to the sale or leasing of Crown lands, knowing that the seller or lessor has so acquired the same, is guilty of a misdemeanour, and is liable to imprisonment with hard labour for one year.

Dealing with land fraudulently acquired from the Crown.

And all his estate in the land is forfeited to His Majesty.

**PART V.—OFFENCES AGAINST THE PERSON AND RELATING TO MARRIAGE AND PARENTAL RIGHTS AND DUTIES AND AGAINST THE REPUTATION OF INDIVIDUALS.**

**CHAPTER XXVI.—ASSAULTS AND VIOLENCE TO THE PERSON  
GENERALLY: JUSTIFICATION AND EXCUSE.**

**220.** A PERSON who strikes, touches, or moves, or otherwise applies force of any kind to the person of another, either directly or indirectly, without his consent, or with his consent if the consent is obtained by fraud, or who by any bodily act or gesture attempts or threatens to apply force of any kind to the person of another without his consent, under such circumstances that the person making the attempt or threat has actually or apparently a present ability to effect his purpose, is said to assault that other person, and the act is called an assault.

Definition of assault.

The term “applies force” includes the case of applying heat, light, electrical force, gas, odour, or any other substance or thing whatever if applied in such a degree as to cause injury or personal discomfort.

**221.** AN assault is unlawful and constitutes an offence unless it is authorised or justified or excused by law.

Assaults unlawful.

The application of force by one person to the person of another may be unlawful, although it is done with the consent of that other person.

**222.** IT is lawful for a person who is charged by law with the duty of executing or giving effect to the lawful sentence of a Court to execute or give effect to that sentence.

Execution of sentence.

**223.** IT is lawful for a person who is charged by law with the duty of executing the lawful process of a Court, and who is required to arrest or detain another person under such process, and for every person lawfully assisting a person so charged, to arrest or detain that other person according to the terms of the process.

Execution of process.

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Execution of  
warrants.

**224.** IT is lawful for a person who is charged by law with the duty of executing a lawful warrant issued by any Court or justice or other person having jurisdiction to issue it, and who is required to arrest or detain another person under such warrant, and for every person lawfully assisting a person so charged, to arrest or detain that other person according to the directions of the warrant.

Erroneous sentence  
or process or war-  
rant.

**225.** IF the sentence was passed, or the process was issued, by a Court having jurisdiction under any circumstances to pass such a sentence, or to issue such process, or if the warrant was issued by a Court or justice or other person having authority under any circumstances to issue such a warrant, it is immaterial whether the Court or justice or person had or had not authority to pass the sentence or issue the process or warrant in the particular case; unless the person executing the same knows that the sentence or process or warrant was in fact passed or issued without authority.

Sentence or process  
or warrant without  
jurisdiction.

**226.** A PERSON who executes or assists in executing any sentence, process, or warrant which purports to be passed or issued by a Court, justice, or other person, and who would be justified, under the provisions of the four last preceding sections, in executing the same if it had been passed or issued by a Court, justice, or person having authority to pass or issue it, is not criminally responsible for any act done in such execution, notwithstanding that the Court, justice, or person had no authority to pass the sentence or issue the process or warrant, if in such execution he acted in good faith and in the belief that the sentence, process, or warrant was that of a Court, justice, or other person having such authority.

Arrest of wrong  
person.

**227.** A PERSON who, being duly authorised to execute a warrant to arrest one person, arrests another person, believing in good faith and on reasonable grounds that the person arrested is the person named in the warrant, is not criminally responsible for doing so to any greater extent than if the person arrested had been the person named in the warrant.

Any person who lawfully assists in making such an arrest, believing that the person arrested is the person named in the warrant, or who, being required by the warrant to receive and detain the person named in it, receives and detains the person so arrested, is not criminally responsible for doing so to any greater extent than if the person arrested had been the person named in the warrant.

Irregular process  
or warrant.

**228.** WHEN any process or warrant is bad in law by reason of some defect in substance or in form apparent on the face of it, a person who, in good faith and believing that it is good in law, acts in the execution of the process or warrant, is not criminally responsible

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sible for anything done in such execution to any greater extent than if the process or warrant were good in law.

**229.** IT is lawful for a person who is engaged in the lawful execution of any sentence, process, or warrant, or in making any arrest, and for any person lawfully assisting him, to use such force as may be reasonably necessary to overcome any force used in resisting such execution or arrest.

Force used in executing process or in arrest.

**230.** IT is the duty of a person executing any process or warrant to have it with him, and to produce it if required.

Duty of persons arresting.

It is the duty of a person arresting another, whether with or without warrant, to give notice, if practicable, of the process or warrant under which he is acting or of the cause of the arrest.

A failure to fulfil either of the aforesaid duties does not of itself make the execution of the process or warrant or the arrest unlawful, but is relevant to the inquiry whether the process or warrant might not have been executed or the arrest made by reasonable means in a less forcible manner.

**231.** WHEN a police officer is proceeding lawfully to arrest, with or without warrant, a person for an offence which is such that the offender may be arrested without warrant, and the person sought to be arrested takes to flight in order to avoid arrest, it is lawful for the police officer, and for any person lawfully assisting him, to use such force as may be reasonably necessary to prevent the escape of the person sought to be arrested.

Police officer preventing escape from arrest.

But this section does not authorise the use of force which is intended or is likely to cause death or grievous bodily harm, except in a case where the person sought to be arrested is reasonably suspected of having committed an offence punishable with death or imprisonment for life under this Code, nor until the person sought to be arrested has been called upon to surrender.

**232.** WHEN a person who is not a police officer is proceeding lawfully to arrest, without warrant, another person for an offence which is such that the offender may be arrested without warrant, and when any person is proceeding lawfully to arrest another person for any cause other than such an offence, and, in either case, the person sought to be arrested takes to flight in order to avoid arrest, it is lawful for the person seeking to arrest him to use such force as may be reasonably necessary to prevent his escape.

Other cases of preventing escape from arrest.

But this section does not authorise the use of force which is intended or is likely to cause death or grievous bodily harm.

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Preventing escape  
or rescue after  
arrest.

**233.** WHEN any person has lawfully arrested another person for any offence, it is lawful for him to use such force as he believes, on reasonable grounds, to be necessary to prevent the escape or rescue of the person arrested.

But, if the offence is not a crime which is such that the offender may be arrested without warrant, this section does not authorise the use of force which is intended or is likely to cause death or grievous bodily harm.

Examination of  
person of accused  
persons in custody.

**234.** WHEN a person is in lawful custody upon a charge of committing any offence, it is lawful for a police officer to search his person, and to take from him anything found upon his person, and to use such force as is reasonably necessary for that purpose.

When a person is in lawful custody upon a charge of committing any offence of such a nature and alleged to have been committed under such circumstances that there are reasonable grounds for believing that an examination of his person will afford evidence as to the commission of the offence, it is lawful for a legally qualified medical practitioner, acting at the request of a police officer, and for any person acting in good faith in his aid and under his direction, to make such an examination of the person of the person so in custody as is reasonably necessary in order to ascertain the facts which may afford such evidence, and to use such force as is reasonably necessary for that purpose.

Preventing a breach  
of the peace.

**235.** IT is lawful for any person who witnesses a breach of the peace to interfere to prevent the continuance or renewal of it, and to use such force as is reasonably necessary for such prevention and is reasonably proportioned to the danger to be apprehended from such continuance or renewal, and to detain any person who is committing or who is about to join in or to renew the breach of the peace for such time as may be reasonably necessary in order to give him into the custody of a police officer.

It is lawful for a police officer who witnesses a breach of the peace, and for any person lawfully assisting him, to arrest any person whom he finds committing it, or whom he believes, on reasonable grounds, to be about to join in or renew the breach of the peace.

It is lawful for a police officer to receive into custody and detain in custody any person given into his charge as having been a party to a breach of the peace by a person whom the police officer believes, on reasonable grounds, to have witnessed the breach of the peace.

Suppression of riot.

**236.** IT is lawful for any person to use such force as is necessary to suppress a riot, and is reasonably proportioned to the danger to be apprehended from its continuance.

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**237.** IT is lawful for a justice to use or order to be used, and for a police officer to use, such force as he believes, on reasonable grounds, to be necessary in order to suppress a riot, and as is reasonably proportioned to the danger which he believes, on reasonable grounds, is to be apprehended from its continuance.

Suppression of riot  
by magistrates and  
police officers.

**238.** IT is lawful for any person acting in good faith in obedience to orders, not manifestly unlawful, given by a justice for the suppression of a riot, to use such force as he believes, on reasonable grounds, to be necessary for carrying such orders into effect.

Suppression of riot  
by person acting  
under lawful orders.

Whether any particular order so given is or is not manifestly unlawful is a question of law.

**239.** WHEN any person, whether subject to military law or not, believes, on reasonable grounds, that serious mischief will arise from a riot before there is time to procure the intervention of a justice, it is lawful for him to use such force as he believes, on reasonable grounds, to be necessary for the suppression of the riot, and as is reasonably proportioned to the danger which he believes, on reasonable grounds, is to be apprehended from its continuance.

Suppression of riot  
by person acting  
without order in  
case of emergency.

**240.** IT is lawful for a person who is bound by military law to obey the lawful commands of his superior officer to obey any command given him by his superior officer in order to the suppression of a riot, unless the command is manifestly unlawful.

Riot: Persons sub-  
ject to military law.

Whether any particular command is or is not manifestly unlawful is a question of law.

**241.** IT is lawful for any person to use such force as is reasonably necessary in order to prevent the commission of an offence which is such that the offender may be arrested without warrant; or in order to prevent any act from being done as to which he believes, on reasonable grounds, that it would, if done, amount to any such offence; or in order to prevent a person whom he believes, on reasonable grounds, to be of unsound mind from doing violence to any person or property.

Prevention of  
crimes and offences  
for which an off-  
ender may be arrested  
without warrant:  
Prevention of vio-  
lence by persons of  
unsound mind.

**242.** IT is lawful for any person who is in peaceable possession of a dwelling-house, and for any person lawfully assisting him or acting by his authority, to use such force as he believes, on reasonable grounds, to be necessary in order to prevent the forcible breaking and entering of the dwelling-house, either by night or day, by any person whom he believes, on reasonable grounds, to be attempting to break and enter the dwelling-house with intent to commit any indictable offence therein.

Defence of dwell-  
ing-house.

**243.** THE term "provocation" used with reference to an offence of which an assault is an element, means and includes, except

Provocation.

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except as hereinafter stated, any wrongful act or insult of such a nature as to be likely, when done to an ordinary person, or in the presence of an ordinary person to another person who is under his immediate care, or to whom he stands in a conjugal, parental, filial, or fraternal relation, or in the relation of master or servant, to deprive him of the power of self control, and to induce him to assault the person by whom the act or insult is done or offered.

When such an act or insult is done or offered by one person to another, or in the presence of another, to a person who is under the immediate care of that other, or to whom the latter stands in any such relation as aforesaid, the former is said to give to the latter provocation for an assault.

A lawful act is not provocation to any person for an assault.

An act which a person does in consequence of incitement given by another person in order to induce him to do the act and thereby to furnish an excuse for committing an assault, is not provocation to that other person for an assault.

An arrest which is unlawful is not necessarily provocation for an assault, but it may be evidence of provocation to a person who knows of the illegality.

Defence of provocation.

**244.** A PERSON is not criminally responsible for an assault committed upon a person who gives him provocation for the assault, if he is in fact deprived by the provocation of the power of self-control, and acts upon it on the sudden and before there is time for his passion to cool; provided that the force used is not disproportionate to the provocation, and is not intended, and is not such as is likely to cause death or grievous bodily harm.

Whether any particular act or insult is such as to be likely to deprive an ordinary person of the power of self-control and to induce him to assault the person by whom the act or insult is done or offered, and whether, in any particular case, the person provoked was actually deprived by the provocation of the power of self-control, and whether any force used is or is not disproportionate to the provocation, are questions of fact.

Prevention of repetition of insult.

**245.** IT is lawful for any person to use such force as is reasonably necessary to prevent the repetition of an act or insult of such a nature as to be provocation to him for an assault; provided that the force used is not intended, and is not such as is likely, to cause death or grievous bodily harm.

Self-defence against unprovoked assault.

**246.** WHEN a person is unlawfully assaulted, and has not provoked the assault, it is lawful for him to use such force to the assailant as is reasonably necessary to make effectual defence against

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against the assault, provided that the force used is not intended, and is not such as is likely, to cause death or grievous bodily harm.

If the nature of the assault is such as to cause reasonable apprehension of death or grievous bodily harm, and the person using force by way of defence believes, on reasonable grounds, that he cannot otherwise preserve the person defended from death or grievous bodily harm, it is lawful for him to use any such force to the assailant as is necessary for defence, even though such force may cause death or grievous bodily harm.

**247.** WHEN a person has unlawfully assaulted another or has provoked an assault from another, and that other assaults him with such violence as to cause reasonable apprehension of death or grievous bodily harm, and to induce him to believe, on reasonable grounds, that it is necessary for his preservation from death or grievous bodily harm to use force in self-defence, he is not criminally responsible for using any such force as is reasonably necessary for such preservation, although such force may cause death or grievous bodily harm.

Self-defence against provoked assault.

This protection does not extend to a case in which the person using force which causes death or grievous bodily harm first began the assault with intent to kill or to do grievous bodily harm to some person; nor to a case in which the person using force which causes death or grievous bodily harm endeavoured to kill or to do grievous bodily harm to some person before the necessity of so preserving himself arose; nor, in either case, unless, before such necessity arose, the person using such force declined further conflict, and quitted it or retreated from it as far as was practicable.

**248.** IN any case in which it is lawful for any person to use force of any degree for the purpose of defending himself against an assault, it is lawful for any other person acting in good faith in his aid to use a like degree of force for the purpose of defending such first-mentioned person.

Aiding in self-defence.

**249.** IT is lawful for any person who is in peaceable possession of any movable property, and for any person acting by his authority, to use such force as is reasonably necessary in order to resist the taking of such property by a trespasser, or in order to retake it from a trespasser, provided that he does not do bodily harm to the trespasser.

Defence of movable property against trespassers.

**250.** WHEN a person is in peaceable possession of any movable property under a claim of right, it is lawful for him, and for any person acting by his authority, to use such force as is reasonably necessary in order to defend his possession of the property, even

Defence of movable property with claim of right.

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even against a person who is entitled by law to possession of the property, provided that he does not do bodily harm to such other person.

Defence of movable  
property without  
claim of right.

**251.** WHEN a person who is entitled by law to the possession of movable property attempts to take it from a person who is in possession of the property, but who neither claims right to it nor acts by the authority of a person who claims right, and the person in possession resists him, it is lawful for the person so entitled to possession to use force in order to obtain possession of the property, provided that he does not do bodily harm to the person in possession.

Defence of premises  
against trespassers.  
Removal of dis-  
orderly persons.

**252.** IT is lawful for a person who is in peaceable possession of any land, structure, vessel, or place, or who is entitled to the control or management of any land, structure, vessel, or place, and for any person acting by his authority, to use such force as is reasonably necessary in order to prevent any person from wrongfully entering upon such land, structure, vessel, or place, or in order to remove therefrom a person who wrongfully remains therein, provided that he does not do bodily harm to such person.

It is lawful for a person who is in peaceable possession of any land, structure, vessel, or place, or who is entitled to the control or management of any land, structure, vessel or place, and for any person acting by his authority, to use force in order to remove therefrom any person who conducts himself in a disorderly manner therein, provided that he does not do him bodily harm.

The term "place" includes any part of an enclosure or structure whether separated from the rest of the enclosure or structure by a partition, fence, rope, or any other means, or not.

Defence of posses-  
sion of real property  
or vessel with claim  
of right.

**253.** WHEN a person is in peaceable possession of any land, structure, or vessel, with a claim of right, it is lawful for him, and for any person acting by his authority, to use such force as is reasonably necessary in order to defend his possession, even against a person who is entitled by law to the possession of the property, provided that he does not do bodily harm to such person.

Exercise of right of  
way or easement.

**254.** WHEN a person who is lawfully entitled to enter upon land for the exercise of a right of way or other easement or profit enters upon the land for the purpose of exercising such right of way, easement, or profit, after notice that his right to use such way or easement or to take such profit is disputed by the person in possession of the land, or having entered persists in his entry after such notice, it is lawful for the person in possession, and for any person acting by his authority, to use such force as is reasonably necessary for

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for the purpose of making the person so entering desist from the entry, provided that he does not do him bodily harm.

**255.** IT is lawful for a parent or a person in the place of a parent, or for a schoolmaster or master, to use, by way of correction, towards a child, pupil, or apprentice under his care such force as is reasonable under the circumstances. Domestic discipline.

**256.** IT is lawful for the master or other person in command of a vessel on a voyage to use, for the purpose of maintaining good order and discipline on board of the vessel, such force as he believes, on reasonable grounds, to be necessary, and as is reasonable under the circumstances. Discipline of ship.

**257.** A PERSON is not criminally responsible for performing, in good faith and with reasonable care and skill, a surgical operation upon any person for his benefit, or upon an unborn child for the preservation of the mother's life, if the performance of the operation is reasonable, having regard to the patient's state at the time and to all the circumstances of the case. Surgical operations.

**258.** IN any case in which the use of force by one person to another is lawful, the use of more force than is justified by law under the circumstances is unlawful. Excessive force.

**259.** CONSENT by a person to the causing of his own death does not affect the criminal responsibility of any person by whom such death is caused. Consent to death immaterial.

#### CHAPTER XXVII.—DUTIES RELATING TO THE PRESERVATION OF HUMAN LIFE.

**260.** IT is the duty of every person having charge of another who is unable by reason of age, sickness, unsoundness of mind, detention, or any other cause, to withdraw himself from such charge, and who is unable to provide himself with the necessaries of life, whether the charge is undertaken under a contract, or is imposed by law, or arises by reason of any act, whether lawful or unlawful, of the person who has such charge, to provide for that other person the necessaries of life; and he is held to have caused any consequences which result to the life or health of the other person by reason of any omission to perform that duty. Duty to provide necessaries.

**261.** IT is the duty of every person who, as head of a family, has the charge of a child under the age of sixteen years, being a member of his household, to provide the necessaries of life for such child, and he is held to have caused any consequences which result to Duty of head of family.



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to the life or health of the child by reason of any omission to perform that duty, whether the child is helpless or not.

Duty of masters.

**262.** IT is the duty of every person who, as a master or mistress, has contracted to provide necessary food, clothing, or lodging for any servant or apprentice under the age of sixteen years to provide the same; and he or she is held to have caused any consequences which result to the life or health of the servant or apprentice by reason of any omission to perform that duty.

Duty of persons doing dangerous acts.

**263.** IT is the duty of every person who, except in a case of necessity, undertakes to administer surgical or medical treatment to any other person, or to do any other lawful act which is or may be dangerous to human life or health, to have reasonable skill and to use reasonable care in doing such act; and he is held to have caused any consequences which result to the life or health of any person by reason of any omission to observe or perform that duty.

Duty of persons in charge of dangerous things.

**264.** IT is the duty of every person who has in his charge or under his control anything, whether living or inanimate, and whether moving or stationary, of such a nature that, in the absence of care or precaution in its use or management, the life, safety, or health of any person may be endangered, to use reasonable care and take reasonable precautions to avoid such danger; and he is held to have caused any consequences which result to the life or health of any person by reason of any omission to perform that duty.

Duty to do certain acts.

**265.** WHEN a person undertakes to do any act the omission to do which is or may be dangerous to human life or health, it is his duty to do that act; and he is held to have caused any consequences which result to the life or health of any person by reason of any omission to perform that duty.

#### CHAPTER XXVIII.—HOMICIDE: SUICIDE: CONCEALMENT OF BIRTH.

Killing of a human being unlawful.

**266.** IT is unlawful to kill any person unless such killing is authorised or justified or excused by law.

When a child becomes a human being.

**267.** A CHILD becomes a person capable of being killed when it has completely proceeded in a living state from the body of its mother, whether it has breathed or not, and whether it has an independent circulation or not, and whether the navel-string is severed or not.

Definition of killing.

**268.** EXCEPT as hereinafter set forth, any person who causes the death of another, directly or indirectly, by any means whatever, is deemed to have killed that other person.

269.

*Criminal Code.*

**269.** WHEN a child dies in consequence of an act done or omitted to be done by any person before or during its birth, the person who did or omitted to do such act is deemed to have killed the child.

Death by acts done at childbirth.

**270.** A PERSON who, by threats or intimidation of any kind, or by deceit, causes another person to do an act or make an omission which results in the death of that other person, is deemed to have killed him.

Causing death by threats.

**271.** A PERSON who does any act or makes any omission which hastens the death of another person who, when the act is done or the omission is made, is labouring under some disorder or disease arising from another cause, is deemed to have killed that other person.

Acceleration of death.

**272.** WHEN a person causes a bodily injury to another from which death results, it is immaterial that the injury might have been avoided by proper precaution on the part of the person injured, or that his death from that injury might have been prevented by proper care or treatment.

When injury or death might be prevented by proper precaution.

**273.** WHEN a person does grievous bodily harm to another, and such other person has recourse to surgical or medical treatment, and death results either from the injury or the treatment, he is deemed to have killed that other person, although the immediate cause of death was the surgical or medical treatment; provided that the treatment was reasonably proper under the circumstances, and was applied in good faith.

Injuries causing death in consequence of subsequent treatment.

**274.** A PERSON is not deemed to have killed another if the death of that other person does not take place within a year and a day of the cause of death.

Limitation as to time of death.

Such period is reckoned inclusive of the day on which the last unlawful act contributing to the cause of death was done.

When the cause of death is an omission to observe or perform a duty, the period is reckoned inclusive of the day on which the omission ceased.

When the cause of death is in part an unlawful act, and in part an omission to observe or perform a duty, the period is reckoned inclusive of the day on which the last unlawful act was done or the day on which the omission ceased, whichever is the later.

**275.** ANY person who unlawfully kills another is guilty of a crime which is called wilful murder, murder, or manslaughter, according to the circumstances of the case.

Unlawful homicide.

*Criminal Code.*

Definition of wilful murder.

**276.** EXCEPT as hereinafter set forth, a person who unlawfully kills another, intending to cause his death or that of some other person, is guilty of wilful murder.

Definition of murder.

**277.** EXCEPT as hereinafter set forth, a person who unlawfully kills another under any of the following circumstances, that is to say :—

- (1.) If the offender intends to do to the person killed or to some other person some grievous bodily harm ;
- (2.) If death is caused by means of an act done in the prosecution of an unlawful purpose, which act is of such a nature as to be likely to endanger human life ;
- (3.) If the offender intends to do grievous bodily harm to some person for the purpose of facilitating the commission of a crime which is such that the offender may be arrested without warrant, or for the purpose of facilitating the flight of an offender who has committed or attempted to commit any such crime ;
- (4.) If death is caused by administering any stupefying or overpowering thing for either of the purposes last aforesaid ;
- (5.) If death is caused by wilfully stopping the breath of any person for either of such purposes ;

is guilty of murder.

In the first case it is immaterial that the offender did not intend to hurt the particular person who is killed.

In the second case it is immaterial that the offender did not intend to hurt any person.

In the three last cases it is immaterial that the offender did not intend to cause death or did not know that death was likely to result.

Definition of manslaughter.

**278.** A PERSON who unlawfully kills another under such circumstances as not to constitute wilful murder or murder is guilty of manslaughter.

Killing on provocation.

**279.** WHEN a person who unlawfully kills another under circumstances which, but for the provisions of this section, would constitute wilful murder or murder, does the act which causes death in the heat of passion caused by sudden provocation, and before there is time for his passion to cool, he is guilty of manslaughter only.

Punishment of murder.

**280.** ANY person who commits the crime of wilful murder or murder is liable to the punishment of death.

281.

*Criminal Code.***281.** ANY person who—

Attempt to murder.

- (1.) Attempts unlawfully to kill another ; or
- (2.) With intent unlawfully to kill another does any act, or omits to do any act which it is his duty to do, such act or omission being of such a nature as to be likely to endanger human life ;

is guilty of a crime, and is liable to imprisonment with hard labour for life.

**282.** ANY person who becomes an accessory after the fact to wilful murder or murder is guilty of a crime, and is liable to imprisonment with hard labour for life.

Accessory after the fact to murder.

**283.** ANY person who, knowing the contents thereof, directly or indirectly causes any person to receive any writing threatening to kill any person, is guilty of a crime, and is liable to imprisonment with hard labour for seven years.

Written threats to murder.

**284.** ANY person who conspires with any other person to kill any person, whether such person is in Western Australia or elsewhere, is guilty of a crime, and is liable to imprisonment with hard labour for fourteen years.

Conspiring to murder.

**285.** ANY person who commits the crime of manslaughter is liable to imprisonment with hard labour for life.

Punishment of manslaughter.

**286.** ANY person who—

Aiding suicide.

- (1.) Procures another to kill himself ; or
- (2.) Counsels another to kill himself and thereby induces him to do so ; or
- (3.) Aids another in killing himself ;

is guilty of a crime, and is liable to imprisonment with hard labour for life.

**287.** ANY person who attempts to kill himself is guilty of a misdemeanour, and is liable to imprisonment with hard labour for one year.

Attempting to commit suicide.

**288.** ANY person who, when a woman is about to be delivered of a child, prevents the child from being born alive by any act or omission of such a nature that, if the child had been born alive and had then died, he would be deemed to have unlawfully killed the child, is guilty of a crime, and is liable to imprisonment with hard labour for life.

Killing unborn child.

289.

*Criminal Code.*

Concealing the  
birth of children.

**289.** ANY person who, when a woman is delivered of a child endeavours, by any secret disposition of the dead body of the child, to conceal the birth, whether the child died before, at, or after its birth, is guilty of a misdemeanour, and is liable to imprisonment with hard labour for two years.

## CHAPTER XXIX.—OFFENCES ENDANGERING LIFE OR HEALTH.

Disabling in order  
to commit indict-  
able offence.

**290.** ANY person who, by means of violence of any kind and with intent to commit or to facilitate the commission of an indictable offence, or to facilitate the flight of an offender after the commission or attempted commission of an indictable offence, renders or attempts to render any person incapable of resistance, is guilty of a crime, and is liable to imprisonment with hard labour for life, with or without whipping.

Stupefying in order  
to commit indict-  
able offence.

**291.** ANY person who, with intent to commit or to facilitate the commission of an indictable offence, or to facilitate the flight of an offender after the commission or attempted commission of an indictable offence, administers, or attempts to administer any stupefying or overpowering drug or thing to any person, is guilty of a crime, and is liable to imprisonment with hard labour for life.

Acts intended to  
cause grievous  
bodily harm or  
prevent arrest.

**292.** ANY person who, with intent to maim, disfigure, or disable any person, or to do some grievous bodily harm to any person, or to resist or prevent the lawful arrest or detention of any person,—

- (1.) Unlawfully wounds or does any grievous bodily harm to any person by any means whatever ; or
- (2.) Unlawfully attempts in any manner to strike any person with any kind of projectile ; or
- (3.) Unlawfully causes any explosive substance to explode ; or
- (4.) Sends or delivers any explosive substance or other dangerous or noxious thing to any person ; or
- (5.) Causes any such substance or thing to be taken or received by any person ; or
- (6.) Puts any corrosive fluid or any destructive or explosive substance in any place ; or
- (7.) Unlawfully casts or throws any such fluid or substance at or upon any person, or otherwise applies any such fluid or substance to the person of any person ;

is guilty of a crime, and is liable to imprisonment with hard labour for life.

293.

*Criminal Code.***293.** ANY person who unlawfully—Preventing escape  
from wreck.

- (1.) Prevents or obstructs any person who is on board of or is escaping from a vessel which is in distress or wrecked or cast ashore, in his endeavours to save his life; or
- (2.) Obstructs any person in his endeavours to save the life of any person so situated;

is guilty of a crime, and is liable to imprisonment with hard labour for life.

**294.** ANY person who, with intent to injure or to endanger the safety of any person travelling by any railway, whether a particular person or not,—Intentionally en-  
dangering safety of  
persons travelling  
by railway.

- (1.) Deals with the railway, or with anything whatever, upon or near the railway in such a manner as to affect or endanger the free and safe use of the railway or the safety of any such person; or
- (2.) Shows any light or signal, or in any way deals with any existing light or signal, upon or near the railway; or
- (3.) By any omission to do any act which it is his duty to do causes the safety of any such person to be endangered;

is guilty of a crime, and is liable to imprisonment with hard labour for life.

**295.** ANY person who unlawfully does grievous bodily harm to another is guilty of a crime, and is liable to imprisonment with hard labour for seven years.Grievous bodily  
harm.**296.** ANY person who wilfully and unlawfully causes by any explosive substance an explosion likely to endanger the life of any person, whether any injury to any person is actually caused or not, is guilty of a crime, and is liable to imprisonment with hard labour for life.Causing explosion  
likely to endanger  
life.

For all purposes of and incidental to arrest, trial, and punishment, the crime when committed out of Western Australia is deemed to have been committed in the place in which the person liable to be punished under this section is apprehended or is in custody.

**297.** ANY person who, within or (being a subject of His Majesty) without His Majesty's dominions, wilfully and unlawfully—Attempting to  
cause explosion  
likely to endanger  
life.

- (1.) Does any act with intent to cause by an explosive substance, or conspires to cause by an explosive substance,

*Criminal Code.*

stance, an explosion in Western Australia of a nature likely to endanger the life of any person; or

- (2.) Makes or has in his possession or under his control, any explosive substance with intent by means thereof to endanger the life of any person in Western Australia;
- (3.) Puts any explosive substance in any place whatever with intent to do any bodily harm to any person;

Whether any explosion does or does not take place, and whether any injury to any person is actually caused or not, is guilty of a crime, and is liable to imprisonment with hard labour for fourteen years, and forfeiture of the explosive substance.

The term "explosive substance" in this section includes any materials for making any explosive substance; also, any apparatus, machine, implement, or materials, used or intended to be used or adapted for causing, or aiding in causing, any explosion in or with any explosive substance; also, any part of any such apparatus, machine, or implement.

For the purpose of and incidental to arrest, trial, and punishment, a crime for which a person is liable to be punished under this section, when committed out of Western Australia, is deemed to have been committed in the place in which such person is apprehended or is in custody.

Maliciously administering poison with intent to harm.

**298.** ANY person who unlawfully, and with intent to injure or annoy another, causes any poison or other noxious thing to be administered to or taken by any person, and thereby endangers his life, or does him some grievous bodily harm, is guilty of a crime and is liable to imprisonment with hard labour for fourteen years.

Wounding and similar acts.

**299.** ANY person who—

- (1.) Unlawfully wounds another; or
- (2.) Unlawfully, and with intent to injure or annoy any person, causes any poison or other noxious thing to be administered to or taken by any person;

is guilty of a misdemeanour, and is liable to imprisonment with hard labour for three years.

Failure to supply necessaries.

**300.** ANY person who, being charged with the duty of providing for another the necessaries of life, without lawful excuse fails to do so, whereby the life of that other person is or is likely to be endangered or his health is or is likely to be permanently injured, is guilty of a misdemeanour, and is liable to imprisonment with hard labour for three years.

301.

*Criminal Code.*

**301.** ANY person who, being charged as a master or mistress with the duty of providing necessary food, clothing, or lodging for a servant or apprentice under the age of sixteen years, unlawfully fails to perform that duty, or in any other manner does any bodily harm or causes any bodily harm to be done to such servant or apprentice, whereby, in either case, the life of such servant or apprentice is or is likely to be endangered, or his health is or is likely to be permanently injured, is guilty of a misdemeanour, and is liable to imprisonment with hard labour for three years.

Endangering life or health of apprentices or servants.

**302.** ANY person who unlawfully abandons or exposes a child under the age of seven years, whereby the life of such child is or is likely to be endangered, or his health is or is likely to be permanently injured, is guilty of a misdemeanour, and is liable to imprisonment with hard labour for three years.

Endangering life of children by exposure.

**303.** ANY person who sets or places any spring-gun, man-trap, or other engine calculated to destroy human life or to inflict grievous bodily harm, or causes any such thing to be set or placed in any place with the intent that it may kill or inflict grievous bodily harm upon a trespasser or other person coming in contact with it, or sets or places any such thing in any such place and in any such manner that it is likely to cause any such result, is guilty of a misdemeanour, and is liable to imprisonment with hard labour for three years.

Setting man-traps.

Any person who knowingly permits any such spring-gun, man-trap or other engine, which has been set or placed by another person in any such place and in any such manner that it is likely to cause any such result, to continue so set or placed in any place which is then in or afterwards comes into his possession or occupation, is deemed to have set and placed the gun, trap, or engine with the intent aforesaid.

This section does not make it unlawful to set any gin or trap such as is usually set for the purpose of destroying vermin; or to set any spring-gun, man-trap, or engine, at night in a dwelling-house for the protection of the dwelling-house.

**304.** ANY person who unlawfully does any act or omits to do any act which it is his duty to do, by which act or omission bodily harm is actually caused to any person, is guilty of a misdemeanour, and is liable to imprisonment with hard labour for two years.

Negligent acts causing harm.

**305.** ANY person who, by any unlawful act, or by any omission to do any act which it is his duty to do, causes the safety of any person travelling by any railway to be endangered, is guilty of

Endangering safety of persons travelling by railway.



*Criminal Code.*

of a misdemeanour, and is liable to imprisonment with hard labour for two years.

Sending or taking  
unseaworthy ships  
to sea.

**306.** ANY person who—

- (1.) Sends or attempts to send a ship to sea in such an unseaworthy state that the life of any person is likely to be thereby endangered ; or
- (2.) Being a master of a British ship, knowingly takes or attempts to take the ship to sea in such an unseaworthy state that the life of any person is likely to be thereby endangered ;

is guilty of a crime, and is liable to imprisonment with hard labour for fourteen years.

It is a defence to a charge of any of the offences defined in this section to prove that the going of the ship to sea in such unseaworthy state was, under the circumstances, reasonable and justifiable.

It is a defence to a charge of either of the offences firstly defined in this section to show that the accused person used all reasonable means to ensure the ship being sent to sea in a seaworthy state.

Endangering  
steamships by  
tampering with  
machinery.

**307.** ANY person who, being a person having actual control over a steam vessel, or over any part of the machinery of a steam vessel, does any act or makes any omission or is privy to any act or omission with respect to the machinery of the vessel, whereby, to his knowledge, the safety of any person on board the vessel is or is likely to be endangered, is guilty of a misdemeanour, and is liable to imprisonment with hard labour for three years.

The like by engi-  
neers.

**308.** ANY person who is engineer, or one of the engineers, in charge of the machinery of a steam vessel at any time when any act is done or omitted to be done by any other person with respect to the machinery of the vessel, whereby the safety of any person on board the vessel is or is likely to be endangered, is guilty of an offence, and is liable on summary conviction to a fine of One hundred pounds.

It is a defence to a charge of the offence defined in this section to prove that the act or omission was done or made without the knowledge of the accused person, and without any neglect or default on his part.

Evading laws as to  
equipment of ships  
and shipping  
dangerous goods.

**309.** ANY person who—

- (1.) Being a person having actual control over a vessel on board of which any article has been placed with his knowledge or consent in order to the obtaining of permission or authority to leave a port, removes or allows the

*Criminal Code.*

the removal of such article from the vessel after such permission or authority has been obtained ; or

- (2.) Knowingly sends by any vessel, or carries in any vessel, any explosive substance, or any acid or other thing of a dangerous or destructive nature, under a false description of the substance or thing, or with a false description of the sender thereof ;

is guilty of a misdemeanour, and is liable to imprisonment with hard labour for three years.

**310.** ANY person who—

- (1.) Being charged by law with any duty respecting the landing or delivery of any explosive substance, or of any acid or other thing of a dangerous or destructive nature, from any vessel, fails to perform that duty ; or
- (2.) Being concerned in the landing of any such substance or thing from any vessel, violates the provisions of the laws relating to such landing ;

*Landing explosives.*

is guilty of a misdemeanour, and is liable to imprisonment with hard labour for three years.

This section does not apply to gunpowder the property of His Majesty while it is under the control of an officer of His Majesty's army or navy, or ordnance, or of the Defence Force of the Commonwealth of Australia.

**CHAPTER XXX.—ASSAULTS.**

**311.** ANY person who unlawfully assaults another is guilty of a misdemeanour, and is liable, if no greater punishment is provided, to imprisonment with hard labour for one year.

*Common assault.*

**312.** ANY person who assaults another with intent to have carnal knowledge of him or her against the order of nature is guilty of a crime, and is liable to imprisonment with hard labour for fourteen years.

*Assault with intent to commit unnatural offence.*

**313.** ANY person who unlawfully and indecently assaults any male person is guilty of a misdemeanour, and is liable to imprisonment with hard labour for three years.

*Indecent assault on males.*

**314.** ANY person who unlawfully assaults and uses actual violence to a justice or any other person while acting in the execution of his duty in or concerning the preservation of a vessel in distress, or of any vessel or goods wrecked, stranded, or cast on shore, or lying under water, is guilty of a crime, and is liable to imprisonment with hard labour for seven years.

*Assaults on persons protecting wrecks.*

315.

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Assaults occasion-  
ing bodily harm.

**315.** ANY person who unlawfully assaults another and thereby does him bodily harm is guilty of a misdemeanour, and is liable to imprisonment with hard labour for three years.

Serious assaults.

**316.** ANY person who—

- (1.) Assaults another with intent to commit a crime, or with intent to resist or prevent the lawful arrest or detention of himself or of any other person ; or
- (2.) Assaults, resists, or wilfully obstructs a police officer while acting in the execution of his duty, or any person acting in aid of a police officer while so acting ; or
- (3.) Unlawfully assaults, resists, or obstructs any person engaged in the lawful execution of any process against any property, or in making a lawful distress while so engaged ; or
- (4.) Assaults, resists, or obstructs any person engaged in such lawful execution of process, or in making a lawful distress, with intent to rescue any property lawfully taken under such process or distress ; or
- (5.) Assaults any person on account of any act done by him in the execution of any duty imposed on him by law ; or
- (6.) Assaults any person in pursuance of any unlawful conspiracy respecting any manufacture, trade, business, or occupation, or respecting any person or persons concerned or employed in any manufacture, trade, business, or occupation, or the wages of any such person or persons ;

is guilty of a misdemeanour, and is liable to imprisonment with hard labour for three years.

CHAPTER XXXI.—ASSAULTS PUNISHABLE ON SUMMARY  
CONVICTION.

Jurisdiction of  
Justices.

**317.** ANY person who unlawfully assaults another may, subject to the provisions of this chapter, be summarily convicted before two justices.

Some assaults not  
to be so dealt with.

**318.** IF the justices find that the assault complained of was accompanied by an attempt to commit a crime, or if for any reason the justices are of opinion that the charge is a fit subject for prosecution by indictment, they are required to abstain from dealing with the case summarily.

319.

*Criminal Code.*

**319.** ANY person who unlawfully assaults another is liable on summary conviction to a fine of Five pounds, inclusive of costs, and in default of payment to imprisonment with hard labour for two months unless the fine and costs are sooner paid, or to imprisonment with hard labour for two months in the first instance.

Common assaults.

If the justices are of opinion that the assault was so trifling as not to deserve any punishment, they may convict the defendant, and discharge him without inflicting any punishment.

This section does not authorise justices to deal summarily with a charge of assault on which a question arises as to the title to land or an estate in land, or to any interest in or accruing from land, or as to any insolvency, or as to the execution of the process of any Court of justice.

**320.** IF the person assaulted is a male child whose age does not, in the opinion of the justices, exceed fourteen years, or is a female, and the justices are of opinion that the assault is of such an aggravated nature that the offender cannot be sufficiently punished under the provisions of the last preceding section, the offender is liable on summary conviction to a fine of Twenty pounds, inclusive of costs, and in default of payment to imprisonment for six months unless the fine and costs are sooner paid, or to imprisonment with hard labour for six months in the first instance.

Aggravated assaults.

The justices may also, if they think fit, require the offender to enter into a recognisance to keep the peace and be of good behaviour for any term not exceeding six months from the expiration of the sentence.

**321.** WHEN a complaint of an assault has been heard upon the merits before justices, on complaint by or on behalf of the party aggrieved, under either of the two last preceding sections, and they dismiss the complaint, they are required forthwith to make out a certificate of the fact of such dismissal and to give it to the accused person.

Effect of summary conviction or dismissal.

Any person who has obtained such a certificate of dismissal, or who has been convicted, and has paid the fine and costs or has endured the punishment adjudged, if any, is released from all further proceedings, civil or criminal, for the same cause.

**322.** ANY person who assaults another with intent to hinder or prevent him from working at or exercising his lawful trade, business, or occupation, or from buying, selling, or otherwise dealing with any property intended for sale, is guilty of an offence, and is liable on summary conviction to imprisonment with hard labour for three months.

Assaults in interference with freedom of trade or work.

## CHAPTER

*Criminal Code.*

## CHAPTER XXXII.—ASSAULTS ON FEMALES : ABDUCTION.

**Definition of rape.** **323.** ANY person who has carnal knowledge of a woman or girl, not his wife, without her consent, or with her consent, if the consent is obtained by force, or by means of threats or intimidation of any kind, or by fear of bodily harm, or by means of false and fraudulent representations as to the nature of the act, or, in the case of a married woman, by personating her husband, is guilty of a crime which is called rape.

**Punishment of rape.** **324.** ANY person who commits the crime of rape is liable to imprisonment with hard labour for life, with or without whipping.

**Attempt to commit rape.** **325.** ANY person who attempts to commit the crime of rape is guilty of a crime, and is liable to imprisonment with hard labour for fourteen years, with or without whipping.

The offender cannot be arrested without warrant.

**Indecent assaults on females.** **326.** ANY person who unlawfully and indecently assaults a woman or girl is guilty of a misdemeanour, and is liable to imprisonment with hard labour for two years.

No girl under the age of fourteen years is deemed capable of consenting to any indecent assault, and no girl or woman under the age of seventeen years is deemed capable of consenting to any indecent assault committed by the guardian, teacher, or school-master of such girl or woman.

**Abduction.** **327.** ANY person who—  
 (1.) With intent to marry or carnally know a woman, or to cause her to be married or carnally known by any other person, takes her away, or detains her against her will ; or  
 (2.) From motives of gain, and with any such intent as aforesaid, takes or entices away or detains a woman who is under the age of twenty-one years, and who has any interest, whether legal or equitable, present or future, absolute, conditional, or contingent, in any property, or who is a presumptive heiress or co-heiress, or the presumptive next of kin, or one of the presumptive next of kin, to any person who has such an interest, out of the custody or protection of her father or mother, or other person having the lawful care or charge of her, and against the will of such father or mother or other person ;

is guilty of a crime, and is liable to imprisonment with hard labour for fourteen years.

A

*Criminal Code.*

A person convicted of any of the offences defined in this section, which was committed with respect to a woman who has any such interest in property, or who is a presumptive heiress or co-heiress, or the presumptive next of kin, or one of the presumptive next of kin to any person who has such an interest as aforesaid, is incapable of taking any estate or interest, legal or equitable, in any property of such woman, or in which she has any interest, or which comes to her as such heiress, co-heiress, or next of kin as aforesaid; and if he has married the woman, such property is, upon his conviction, to be settled in such manner as the Supreme Court may, upon an information at the suit of the Attorney General, appoint.

**328.** ANY person who unlawfully takes or keeps an unmarried girl under the age of sixteen years out of the custody or protection of her father or mother, or other person having the lawful care or charge of her, and against the will of such father or mother or other person, is guilty of a misdemeanour, and is liable to imprisonment with hard labour for two years.

Abduction of girls under sixteen.

It is immaterial that the offender believed the girl to be of or above the age of sixteen years.

It is immaterial that the girl was taken with her own consent or at her own suggestion.

**329.** UPON a charge of any of the offences defined in this chapter, the wife or husband of the accused person is a competent and compellable witness.

Rule of evidence.

#### CHAPTER XXXIII.—OFFENCES AGAINST LIBERTY.

**330.** ANY person who forcibly takes or detains another with intent to compel that other person to work for him against his will is guilty of a crime, and is liable to imprisonment with hard labour for seven years.

Kidnapping.

**331.** ANY person who unlawfully confines or detains another in any place against his will, or otherwise unlawfully deprives another of his personal liberty, is guilty of a misdemeanour, and is liable to imprisonment with hard labour for three years.

Deprivation of liberty.

**332.** ANY person who—

- (1.) Being required by law to give any certificate touching any matter by virtue whereof the liberty of any person may be affected, gives a certificate which, in any material particular, is to his knowledge false; or
- (2.) Not being a person authorised by law to give such a certificate as aforesaid, gives such a certificate, and represents

False certificates by officers charged with duties relating to liberty.

*Criminal Code.*

represents himself to be a person authorised to give the same ;

is guilty of a misdemeanour, and is liable to imprisonment with hard labour for three years.

**333.** ANY person who—

Concealment of matters affecting liberty.

(1.) Being required by law to keep any record touching any matter relating to any person in confinement, refuses or neglects to keep such record, or makes in such record an entry which, in any material particular, is to his knowledge false ; or

(2.) Being required by law to give any information to any person touching any person in confinement, or to show to any person any person in confinement, or any place in which a person is confined—

(a.) Refuses or neglects to give such information, or to show such person or place, to any person to whom he is so required to give the information or show the person or place ; or

(b.) Gives to any person to whom he is so required to give it, information touching any such matter which, in any material particular, is to his knowledge false ;

is guilty of a misdemeanour, and is liable to imprisonment for three years.

**334.** ANY person who, by the production of any false certificate or otherwise, knowingly and wilfully procures any person, not

Procuring confinement of sane person on false certificate.

being insane, to be confined in any asylum upon insufficient or unreasonable grounds, is guilty of a misdemeanour, and is liable to imprisonment with hard labour for two years.

**335.** ANY person who detains or assumes the custody of an

Unlawful custody of insane person.

insane person contrary to the provisions of the laws relating to insane persons is guilty of a misdemeanour, and is liable to imprisonment for two years.

**336.** ANY person who threatens to do any injury, or cause

Threats.

any detriment, of any kind to another with intent to prevent or hinder that other person from doing any act which he is lawfully entitled to do, or with intent to compel him to do any act which he is lawfully entitled to abstain from doing, is guilty of a misdemeanour, and is liable to imprisonment for one year or to a fine of One hundred pounds.

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## CHAPTER XXXIV.—OFFENCES RELATING TO MARRIAGE AND PARENTAL RIGHTS AND DUTIES.

**337.** ANY person who—

- (1.) Being married, goes through the form of marriage with any other person during the life of his or her wife or husband ; or
- (2.) Goes through the form of marriage with any person whom he or she knows to be married ;

Bigamy.

is guilty of a crime, and is liable to imprisonment with hard labour for seven years.

It is a defence to a charge of either of the offences defined in this section to prove that at the time of committing the alleged offence the wife or husband of the person already married had been continually absent from him or her for the space of seven years then last past, unless it is shown that the accused person knew that such wife or husband was living within that time.

**338.** ANY person who—

- (1.) Not being a person authorised by law to celebrate marriages, celebrates or professes or attempts to celebrate a marriage ; or

Unlawful celebration of marriage.

- (2.) Celebrates, or attempts or professes to celebrate, the marriage of any person who, to his knowledge, is under the age of twenty-one years, and is not a widower or widow, without the written consent of some person authorised by law to give such consent, or with a written consent which, to his knowledge, is not given by a person authorised by law to give it ; or

*Knowingly & Wilfully*

- (3.) Celebrates, or attempts or professes to celebrate, any marriage contrary to the provisions of the laws relating to the solemnisation of marriage ; or

*amended by 31 of 1906*

- (4.) Celebrates, or attempts or professes to celebrate, any marriage in any case in which any provision of those laws has not been complied with, knowing that it has not been complied with ; or

- (5.) Induces, or attempts to induce, any person to celebrate the marriage of any person who is to the knowledge of the offender under the age of twenty-one years, and is not a widower or widow, without such consent as aforesaid, or with a consent which, to his knowledge, is not given by a person authorised by law to give it, or to celebrate any marriage contrary to or without compliance with the laws relating to the solemnisation of marriage ; or

(6.)



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(6.) Marries a person who is, to his or her knowledge, under the age of twenty-one years, and is not a widow or widower, without such consent as aforesaid, or with a consent which, to his or her knowledge, is not given by a person authorised by law to give it ;

(7.) Issues any certificate required by law to be issued by a district registrar, contrary to the provisions of the law relating to the solemnisation of marriage,

is guilty of a misdemeanour, and is liable to imprisonment with or without hard labour for five years, and to a fine of Five hundred pounds.

It is a defence to a charge of the offence defined in subsection one if the person charged, being a minister of religion, was not duly registered as a minister authorised to celebrate marriages by reason of accident or inadvertence.

Celebration of marriage by minister unregistered by inadvertence.

**339.** ANY minister of religion whose name, designation, religious denomination, and usual place of residence, by accident or inadvertence have not been, and do not continue to be duly registered as a minister authorised to celebrate marriages, and who celebrates a marriage, is guilty of an offence, and is liable on summary conviction to a fine of Twenty pounds.

Unqualified persons procuring registration as persons qualified to celebrate marriages.

**340.** ANY person who, not being a person entitled to be registered under the laws relating to the solemnisation of marriage, as a person authorised to celebrate marriages, and knowing that he is not such a person, procures his name to be registered as a person so entitled, is guilty of a misdemeanour, and is liable to imprisonment for two years, and to a fine of Two hundred pounds.

Child-stealing.

**341.** ANY person who, with intent to deprive any parent, guardian or other person who has the lawful care or charge of a child under the age of fourteen years, of the possession of such child, or with intent to steal any article upon or about the person of any such child--

(1.) Forcibly or fraudulently takes or entices away, or detains the child ; or

(2.) Receives or harbours the child, knowing it to have been so taken or enticed away or detained ;

is guilty of a crime, and is liable to imprisonment with hard labour for seven years, and if under the age of sixteen years, is also liable to whipping.

It is a defence to a charge of any of the offences defined in this section to prove that the accused person claimed a right to the possession of the child, or, in the case of an illegitimate child, is its mother or claimed to be its father.

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**342.** ANY person who, being the parent of a child under the age of sixteen years, and being able to maintain such child, wilfully and without lawful or reasonable cause deserts the child and leaves it without means of support, is guilty of a misdemeanour, and is liable to imprisonment for one year.

Desertion of children.

## CHAPTER XXXV.—DEFAMATION.

**343.** IN this chapter the term “periodical” includes any newspaper, review, magazine, or other writing or print published periodically.

Definition of “periodical.”

**344.** ANY imputation concerning any person, or any member of his family, whether living or dead, by which the reputation of that person is likely to be injured, or by which he is likely to be injured in his profession or trade, or by which other persons are likely to be induced to shun or avoid or ridicule or despise him, is called defamatory, and the matter of the imputation is called defamatory matter.

Definition of defamatory matter.

An imputation may be expressed either directly or by insinuation or irony.

**345.** THE question whether any matter is or is not defamatory is a question of fact.

Questions of fact and law.

The question whether any matter alleged to be defamatory is or is not capable of bearing a defamatory meaning is a question of law.

**346.** ANY person who, by spoken words or audible sounds, or by words intended to be read either by sight or touch, or by signs, signals, gestures, or visible representations, publishes any defamatory imputation concerning any person is said to defame that person.

Definition of defamation.

**347.** PUBLICATION is, in the case of spoken words, or audible sounds, the speaking of such words or making of such sounds in the presence and hearing of any other person than the person defamed, and in the case of signs, signals, or gestures, the making of such signs, signals, or gestures, so as to be seen or felt by, or otherwise come to the knowledge of, any person other than the person defamed, and, in the case of other defamatory matter, the exhibiting of it in public, or causing it to be read or seen, or showing or delivering it, or causing it to be shown or delivered, with a view to its being read or seen by any other person than the person defamed.

Publication.

**348.** IT is unlawful to publish defamatory matter unless such publication is protected, or justified, or excused by law.

Publication of defamatory matter *prima facie* unlawful.

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Absolute protection: Privilege of Parliament.

**349.** (1.) A MEMBER of either House of Parliament does not incur any liability as for defamation by the publication of any defamatory matter in the course of a speech made by him in Parliament.

(2.) A person who presents a petition to either House of Parliament does not incur any liability as for defamation by the publication to that House of Parliament of any defamatory matter contained in the petition.

(3.) A person does not incur any liability as for defamation by publishing, by order or under the authority of either House of Parliament, a paper containing defamatory matter.

Absolute protection: Privileges of Judges, witnesses and others in Courts of justice.

**350.** A PERSON does not incur any liability as for defamation by publishing, in the course of a proceeding held before or under the authority of any Court of justice, or in the course of an inquiry made under the authority of a Statute, or under the authority of His Majesty, or of the Governor in Council, or of either House of Parliament, any defamatory matter.

Absolute protection: Reports of official inquiries.

**351.** A PERSON appointed under the authority of a Statute, or by or under the authority of His Majesty, or of the Governor in Council, to hold any inquiry, does not incur any liability as for defamation by publishing any defamatory matter in an official report made by him of the result of such inquiry.

Protection: Reports of matters of public interest.

**352.** IT is lawful—

- (1.) To publish in good faith, for the information of the public, a fair report of the proceedings of either House of Parliament, or of any committee of either House, or of any joint committee of both Houses ;
- (2.) To publish in good faith, for the information of the public, a copy of, or an extract from or abstract of, any paper published by order or under the authority of either House of Parliament ;
- (3.) To publish in good faith, for the information of the public, a fair report of the public proceedings of any Court of justice, whether such proceedings are preliminary or interlocutory or final, or of the result of any such proceedings, unless, in the case of proceedings which are not final, the publication has been prohibited by the Court, or unless the matter published is blasphemous or obscene ;
- (4.) To publish in good faith, for the information of the public, a fair report of the proceedings of any inquiry held under the authority of a Statute, or by or under the authority

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authority of His Majesty, or of the Governor in Council, or a fair extract from or abstract of any such proceedings, or a copy of, or an extract from or abstract of, an official report made by the person by whom the inquiry was held ;

- (5.) To publish in good faith, for the information of the public, at the request of any Government Department, officer of State, or police officer, any notice or report issued by such department or officer for the information of the public ;
- (6.) To publish in good faith, for the information of the public, a fair report of the proceedings of any local authority, board, or body of trustees or other persons duly constituted under the provisions of any Statute, for the discharge of public functions, so far as the matter published relates to matters of public concern ;
- (7.) To publish in good faith, for the information of the public, a fair report of the proceedings of any public meeting, so far as the matter published relates to matters of public concern.

A publication is said to be made in good faith, for the information of the public, if the person by whom it is made is not actuated in making it by ill-will to the person defamed, or by any other improper motive, and if the manner of the publication is such as is ordinarily and fairly used in the case of the publication of news.

The term "public meeting" means and includes any meeting lawfully held for a lawful purpose, and for the furtherance or discussion in good faith of a matter of public concern, or for the advocacy of the candidature of any person for a public office, whether the admission to the meeting was open or restricted.

In the case of a publication of a report of the proceedings of a public meeting in a periodical, it is evidence of want of good faith if the proprietor, publisher, or editor, has been requested by the person defamed to publish in the periodical a reasonable letter or statement by way of contradiction or explanation of the defamatory matter, and has refused or neglected to publish the same.

### 353. IT is lawful—

- (1.) To publish a fair comment respecting any of the matters with respect to which the publication of a fair report in good faith, for the information of the public, is by the last preceding section declared to be lawful ;
- (2.) To publish a fair comment respecting the public conduct of any person who takes part in public affairs, or respecting the character of any such person, so far as his character appears in that conduct ;

Protection: Fair comment.

(3.)

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- (3.) To publish a fair comment respecting the conduct of any public officer or public servant in the discharge of his public functions, or respecting the character of any such person, so far as his character appears in that conduct ;
- (4.) To publish a fair comment respecting the merits of any case, civil or criminal, which has been decided by any Court of justice, or respecting the conduct of any person as a judge, party, witness, counsel, solicitor, or officer of the Court, in any such case, or respecting the character of any such person, so far as his character appears in that conduct ;
- (5.) To publish a fair comment respecting any published book or other literary production, or respecting the character of the author, so far as his character appears by such book or production ;
- (6.) To publish a fair comment respecting any composition or work of art, or performance publicly exhibited, or respecting the character of the author or performer or exhibitor, so far as his character appears from the matter exhibited ;
- (7.) To publish a fair comment respecting any public entertainment or sports, or respecting the character of any person conducting or taking part therein, so far as his character appears from the matter of the entertainment or sports, or the manner of conducting the same ;
- (8.) To publish a fair comment respecting any communication made to the public on any subject.

Whether a comment is or is not fair is a question of fact. If it is not fair, and is defamatory, the publication of it is unlawful.

Protection : Truth

**354.** IT is lawful to publish defamatory matter if the matter is true, and if it is for the public benefit that the publication complained of should be made.

Qualified protection : Excuse.

**355.** IT is a lawful excuse for the publication of defamatory matter—

- (1.) If the publication is made in good faith by a person having over another any lawful authority in the course of a censure passed by him on the conduct of that other in matters to which such lawful authority relates ;
- (2.) If the publication is made in good faith for the purpose of seeking remedy or redress for some private or public wrong or grievance, from a person who has, or whom the person making the publication believes, on reasonable grounds, to have, authority over the person defamed

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defamed with respect to the subject-matter of such wrong or grievance :

- (3.) If the publication is made in good faith for the protection of the interests of the person making the publication, or of some other person, or for the public good ;
- (4.) If the publication is made in good faith in answer to an inquiry made of the person making the publication, relating to some subject as to which the person by whom or on whose behalf the inquiry is made has, or is believed, on reasonable grounds, by the person making the publication to have, an interest in knowing the truth ;
- (5.) If the publication is made in good faith for the purpose of giving information to the person to whom it is made with respect to some subject as to which that person has or is believed, on reasonable grounds, by the person making the publication to have, such an interest in knowing the truth as to make his conduct in making the publication reasonable under the circumstances ;
- (6.) If the publication is made in good faith on the invitation or challenge of the person defamed ;
- (7.) If the publication is made in good faith in order to answer or refute some other defamatory matter published by the person defamed concerning the person making the publication or some other person ;
- (8.) If the publication is made in good faith in the course of, or for the purposes of, the discussion of some subject of public interest, the public discussion of which is for the public benefit, and if, so far as the defamatory matter consists of comment, the comment is fair.

For the purposes of this section, a publication is said to be made in good faith if the matter published is relevant to the matters the existence of which may excuse the publication in good faith of defamatory matter ; if the manner and extent of the publication does not exceed what is reasonably sufficient for the occasion, and if the person by whom it is made is not actuated by ill-will to the person defamed, or by any other improper motive, and does not believe the defamatory matter to be untrue.

**356.** WHEN any question arises whether a publication of defamatory matter was or was not made in good faith, and it appears that the publication was made under circumstances which would afford lawful excuse for the publication if it was made in good faith, the burden of proof of the absence of good faith lies upon the party alleging such absence.

Good faith.

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Relevancy and public benefit questions of fact.

**357.** WHETHER any defamatory matter is or is not relevant to any other matter, and whether the public discussion of any subject is or is not for the public benefit, are questions of fact.

Unlawful publication of defamatory matter.

**358.** ANY person who unlawfully publishes any defamatory matter concerning another is guilty of a misdemeanour, and is liable to imprisonment for twelve months, and to a fine of Three hundred pounds.

If the offender knows the defamatory matter to be false, he is liable to imprisonment with hard labour for two years, and to a fine of Five hundred pounds.

Defamation of members of Parliament by strangers.

**359.** ANY person who, not being a member of either House of Parliament, unlawfully publishes any false or scandalous defamatory matter touching the conduct of any member or members of either House of Parliament as such member or members, is guilty of a misdemeanour, and is liable to imprisonment with hard labour for two years, and to a fine of Five hundred pounds.

Defence in case of defamation by words, sounds, signs, signals, or gestures.

**360.** IN any case other than that of words intended to be read, it is a defence to a prosecution for publishing defamatory matter to prove that the publication was made on an occasion and under circumstances when the person defamed was not likely to be injured thereby.

Publishing or threatening to publish defamatory matter with intent to extort money.

**361.** ANY person who publishes, or directly or indirectly threatens to publish, or directly or indirectly proposes to abstain from publishing, or directly or indirectly offers to prevent the publication of any defamatory matter concerning another, with intent to extort any property from such person or any other person, or with intent to induce any person to give or confer or procure, or to attempt to procure, to, upon, or for, any person any property or benefit of any kind, is guilty of a misdemeanour, and is liable to imprisonment with hard labour for three years.

Liability of proprietor, publisher, and editor of periodicals.

**362.** UPON a charge against a proprietor, publisher, or editor of a periodical, of the unlawful publication in the periodical of defamatory matter, it is a defence to prove that the matter complained of was inserted in the periodical without his knowledge and without negligence on his part.

General authority given to the person who actually inserted the defamatory matter to manage or conduct the periodical as editor or otherwise, and to insert therein what in his discretion he thinks fit, is not negligence within the meaning of this section, unless it is proved that the proprietor or publisher or editor, when giving such general authority, meant that it should extend to and authorise the unlawful publication of defamatory matter, or con-

tinued

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tinued such general authority, knowing that it had been exercised by unlawfully publishing defamatory matter in any number or part of the periodical.

**363.** A PERSON is not criminally responsible as for the unlawful publication of defamatory matter merely by reason of selling any number or part of a periodical containing the defamatory matter, unless he knows that such number or part contains the defamatory matter, or that defamatory matter is habitually or frequently contained in that periodical.

Protection of innocent sellers of periodicals.

**364.** A PERSON is not criminally responsible as for the unlawful publication of defamatory matter merely by reason of selling a book, pamphlet, print, or writing, or other thing not forming part of a periodical, although it contains the defamatory matter, if at the time of the sale he does not know that the defamatory matter is contained therein.

Protection of innocent sellers of books.

**365.** AN employer is not responsible as for the unlawful publication of defamatory matter merely by reason of the sale by his servant of a book, pamphlet, print, writing, or other thing, whether a periodical or not, containing the defamatory matter, unless it is proved that he authorised the sale, knowing that the book, pamphlet, print, writing, or other thing contained the defamatory matter, or, in the case of a number or part of a periodical, that defamatory matter was habitually or frequently contained in that periodical.

Protection of employers.

**366.** A CRIMINAL prosecution cannot be begun before justices against the proprietor, or publisher, or editor, or any person responsible for the publication of any periodical, for the unlawful publication of any defamatory matter contained therein, without the order of the Supreme Court or a Judge thereof, made after notice to the person accused, and after that person has had an opportunity of being heard in opposition to the application for the order.

Prosecution of newspapers to be by sanction of a Judge after notice.

**367.** IF, on the hearing before a justice of a charge of the unlawful publication of defamatory matter, the justice is of opinion that a case has been made out against the accused person but that the case is of a trivial nature, he may ask him whether he desires to be tried by a jury, or consents to the charge being dealt with summarily: And if the accused person consents to the charge being dealt with summarily, he may be summarily convicted before two justices, and is liable on such conviction to a fine of Fifty pounds.

Summary jurisdiction in trivial cases of defamation.

If a charge has been dealt with summarily and dismissed, the justices must, if required so to do, deliver to the person charged a copy



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copy certified under their hands of the order of said dismissal; and such dismissal is of the same effect as an acquittal or a trial after indictment or information for the same offence.

PART VI.—OFFENCES RELATING TO PROPERTY AND CONTRACTS.

*Division I.—Stealing and like Offences.*

CHAPTER XXXVI.—STEALING.

Things capable of being stolen.

**368.** EVERY inanimate thing whatever which is the property of any person, and which is movable, is capable of being stolen.

Every inanimate thing which is the property of any person, and which is capable of being made movable, is capable of being stolen as soon as it becomes movable, although it is made movable in order to steal it.

Every tame animal, whether tame by nature or wild by nature and tamed, which is the property of any person, is capable of being stolen; but tame pigeons are not capable of being stolen except while they are in a pigeon-house or on their owner's land.

Animals wild by nature, of a kind which is not ordinarily found in a condition of natural liberty in Western Australia, which are the property of any person, and which are usually kept in a state of confinement, are capable of being stolen, whether they are actually in confinement or have escaped from confinement.

Animals wild by nature, of a kind which is ordinarily found in a condition of natural liberty in Western Australia which are the property of any person, are capable of being stolen while they are in confinement and while they are being actually pursued after escaping from confinement, but not at any other time.

An animal wild by nature is deemed to be in a state of confinement so long as it is in a den, cage, sty, tank, or other small enclosure, or is otherwise so placed that it cannot escape and that its owner can take possession of it at pleasure.

The term "animal" includes any living creature other than mankind.

Oysters and oyster brood are capable of being stolen while in oyster beds, layings, or fisheries, which are the property of any person, and which are sufficiently marked out, or are known by general repute as his property.

Wild animals in the enjoyment of their natural liberty are not capable of being stolen, but their dead bodies are capable of being stolen.

Everything

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Everything produced by or forming part of the body of an animal capable of being stolen is capable of being stolen.

**369.** (1.) A PERSON who fraudulently takes anything capable of being stolen, or fraudulently converts to his own use or to the use of any other person anything capable of being stolen, is said to steal that thing. Definition of stealing.

(2.) A person who takes or converts anything capable of being stolen is deemed to do so fraudulently if he does so with any of the following intents, that is to say :—

- (a.) An intent to permanently deprive the owner of the thing of it ;
- (b.) An intent to permanently deprive any person who has any special property in the thing of such property ;
- (c.) An intent to use the thing as a pledge or security ;
- (d.) An intent to part with it on a condition as to its return which the person taking or converting it may be unable to perform ;
- (e.) An intent to deal with it in such a manner that it cannot be returned in the condition in which it was at the time of the taking or conversion ;
- (f.) In the case of money, an intent to use it at the will of the person who takes or converts it, although he may intend to afterwards repay the amount to the owner.

The term “ special property ” includes any charge or lien upon the thing in question, and any right arising from or dependent upon holding possession of the thing in question, whether by the person entitled to such right or by some other person for his benefit.

(3.) The taking or conversion may be fraudulent, although it is effected without secrecy or attempt at concealment.

(4.) In the case of conversion, it is immaterial whether the thing converted is taken for the purpose of conversion, or whether it is at the time of the conversion in the possession of the person who converts it. It is also immaterial that the person who converts the property is the holder of a power of attorney for the disposition of it, or is otherwise authorised to dispose of the property.

(5.) When a thing converted has been lost by the owner and found by the person who converts it, the conversion is not deemed to be fraudulent if at the time of the conversion the person taking or converting the thing does not know who is the owner, and believes, on reasonable grounds, that the owner cannot be discovered.

(6.)

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(6.) The act of stealing is not complete until the person taking or converting the thing actually moves it or otherwise actually deals with it by some physical act.

Special cases.

**370.** (1.) WHEN a wild animal in the enjoyment of its natural liberty has been killed by any person, the taking of the dead body of the animal by that person, or by any person acting under his orders, before it has been reduced into actual possession by the owner of the land on which the animal was killed or on which it died, is not deemed to be stealing.

(2.) When a factor or agent pledges or gives a lien on any goods or document of title to goods entrusted to him for the purpose of sale or otherwise for any sum of money not greater than the amount due to him from his principal at the time of pledging or giving the lien, together with the amount of any bill of exchange or promissory note accepted or made by him for or on account of his principal, such dealing with the goods or document of title is not deemed to be stealing.

(3.) When a servant, contrary to his master's orders, takes from his possession any food in order that it may be given to an animal belonging to or in the possession of his master, such taking is not deemed to be stealing.

Funds, etc., held  
under direction.

**371.** WHEN a person receives, either alone or jointly with another person, any money or valuable security, or a power of attorney for the sale, mortgage, pledge, or other disposition, of any property, whether capable of being stolen or not, with a direction in either case that such money or any part thereof, or any other money received in exchange for it, or any part thereof, or the proceeds or any part of the proceeds of such security, or of such mortgage, pledge, or other disposition, shall be applied to any purpose or paid to any person specified in the direction, such money and proceeds are deemed to be the property of the person from whom the money, security, or power of attorney was received, until the direction has been complied with :

Provided that if the person receiving the money, security, or power of attorney, and the person from whom he receives it ordinarily deal with each other on such terms that in the absence of any special direction all money paid to the former on account of the latter would be properly treated as an item in a debtor and creditor account between them, the former cannot be charged with stealing the money or any such proceeds unless the direction is in writing.

Funds, etc., received  
by agents for sale.

**372.** WHEN a person receives, either alone or jointly with another person, any property from another on terms authorising  
or

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or requiring him to sell it or otherwise dispose of it, and requiring him to pay or account for the proceeds of the property, or any part of such proceeds, or to deliver anything received in exchange for the property, to the person from whom it is received, or some other person, then the proceeds of the property, and anything so received in exchange for it, are deemed to be the property of the person from whom the property was so received, until they have been disposed of in accordance with the terms on which the property was received, unless it is a part of those terms that the proceeds, if any, shall form an item in a debtor and creditor account between him and the person to whom he is to pay them or account for them, and that the relation of debtor and creditor only shall exist between them in respect thereof.

**373.** WHEN a person receives, either alone or jointly with another person, any money on behalf of another, the money is deemed to be the property of the person on whose behalf it is received, unless the money is received on the terms that it shall form an item in a debtor and creditor account, and that the relation of debtor and creditor only shall exist between the parties in respect of it. Money received for another.

**374.** WHEN any person takes or converts anything capable of being stolen, under such circumstances as would otherwise amount to stealing, it is immaterial that he himself has a special property or interest therein, or that he himself is the owner of the thing taken or converted subject to some special property or interest of some other person therein; or that he is lessee of the thing; or that he himself is one of two or more joint owners of the thing; or that he is a director or officer of a corporation or company or society who are the owners of it. Stealing by persons having an interest in the thing stolen.

**375.** A PERSON who, while a man and his wife are living together, procures either of them to deal with anything which is, to his knowledge, the property of the other in a manner which would be stealing if they were not married, is deemed to have stolen the thing, and may be charged with stealing it. Husband and wife.

**376.** ANY person who steals anything capable of being stolen is guilty of a crime, and is liable, if no other punishment is provided, to imprisonment with hard labour for three years. Punishment of stealing.

## PUNISHMENT IN SPECIAL CASES.

(1.) If the thing stolen is a testamentary instrument, whether the testator is living or dead, the offender is liable to imprisonment with hard labour for fourteen years. Stealing wills.

(2.)

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- Stealing things sent by post.** (2.) If the thing stolen is anything in course of transmission by post, the offender is liable to imprisonment with hard labour for fourteen years.
- Stealing cattle.** (3.) If the thing stolen is any of the things following, that is to say :—A horse, mare, gelding, ass, mule, camel, bull, cow, ox, ram, ewe, or wether, or the young of any such animal, the offender is liable to imprisonment with hard labour for seven years.
- Stealing minerals in mines.** (4.) If the thing stolen is any gold or the ore of any metal or mineral in or about a mine, or in or about any claim or land comprised in any lease or held under any agreement of lease for mining purpose, the offender is liable to imprisonment with hard labour for seven years.
- Stealing from the person : Stealing goods in transit, etc.** (5.) If the offence is committed under any of the circumstances following, that is to say :—
- (a.) If the thing is stolen from the person of another :
  - (b.) If the thing is stolen in a dwelling-house, and its value exceeds Five pounds, or the offender at or immediately before or after the time of stealing uses or threatens to use violence to any person in the dwelling-house ;
  - (c.) If the thing is stolen from any kind of vessel or vehicle or place of deposit used for the conveyance or custody of goods in transit from one place to another ;
  - (d.) If the thing is stolen from a vessel which is in distress or wrecked or stranded ;
  - (e.) If the thing is stolen from a public office in which it is deposited or kept ;
  - (f.) If the offender, in order to commit the offence, opens any locked room, box, or other receptacle, by means of a key or other instrument ;
- the offender is liable to imprisonment with hard labour for fourteen years.
- Stealing by persons in the Public Service.** (6.) If the offender is a person employed in the Public Service, and the thing stolen is the property of His Majesty, or came into the possession of the offender by virtue of his employment, he is liable to imprisonment with hard labour for seven years.
- Stealing by clerks and servants.** (7.) If the offender is a clerk or servant, and the thing stolen is the property of his employer, or came into the possession of the offender on account of his employer, he is liable to imprisonment with hard labour for seven years.
- Stealing by directors or officers of companies.** (8.) If the offender is a director or officer of a corporation or company, and the thing stolen is the property of the corporation or

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or company, he is liable to imprisonment with hard labour for seven years.

(9.) If the thing stolen is any of the things following, that is to say :-- Stealing by agents, etc.

- (a.) Property which has been received by the offender with a power of attorney for the disposition thereof ;
- (b.) Money received by the offender with a direction that the same should be applied to any purpose or paid to any person specified in the direction ;
- (c.) The whole or part of the proceeds of any valuable security which has been received by the offender with a direction that the proceeds thereof should be applied to any purpose or paid to any person specified in the direction ;
- (d.) The whole or part of the proceeds arising from any disposition of any property which have been received by the offender by virtue of a power of attorney for such disposition, such power of attorney having been received by the offender with a direction that such proceeds should be applied to any purpose or paid to any person specified in the direction ;

the offender is liable to imprisonment with hard labour for seven years.

(10.) If the thing stolen is of the value of five hundred pounds or upwards, the offender is liable to imprisonment with hard labour for seven years. Stealing property of value of £500.

(11.) If the thing stolen is a fixture or chattel let to the offender to be used by him with a house or lodging, and its value exceeds Five pounds, he is liable to imprisonment with hard labour for seven years. Stealing by tenants or lodgers.

(12.) If the offender, before committing the offence, had been convicted upon indictment of any of the indictable offences defined in this division of this part of this Code, or had been twice previously summarily convicted of an offence punishable on summary conviction under this division of this part of this Code, whether each of the convictions was in respect of an offence of the same character or not, he is liable to imprisonment with hard labour for seven years. Stealing after previous conviction.

## CHAPTER XXXVII.—OFFENCES ANALOGOUS TO STEALING.

**377.** ANY person who, with intent to defraud, conceals or takes from its place of deposit any register which is authorised or required Concealing registers.

*Criminal Code.*

required by law to be kept for authenticating or recording the title to any property, or for recording births, baptisms, marriages, deaths, or burials, or a copy of any part of any such register which is required by law to be sent to any public officer, is guilty of a crime, and is liable to imprisonment with hard labour for fourteen years.

**Concealing wills.**      **378.** ANY person who, with intent to defraud, conceals any testamentary instrument, whether the testator is living or dead, is guilty of a crime, and is liable to imprisonment with hard labour for fourteen years.

**Concealing deeds.**      **379.** ANY person who, with intent to defraud, conceals the whole or part of any document which is evidence of title to any land or estate in land is guilty of a crime, and is liable to imprisonment with hard labour for three years.

**Killing animals with intent to steal.**      **380.** ANY person who kills any animal capable of being stolen with intent to steal the skin or carcass, or any part of the skin or carcass, is guilty of a crime, and is liable to the same punishment as if he had stolen the animal.

**Severing with intent to steal.**      **381.** ANY person who makes anything movable with intent to steal it is guilty of a crime, and is liable to the same punishment as if he had stolen the thing after it became movable.

**Using registered brands with criminal intention.**      **382.** ANY person who, with intent to facilitate the commission of a crime, brands or marks any animal with a registered brand or registered mark without the permission of the owner of the brand or mark is guilty of a misdemeanour, and is liable to imprisonment with hard labour for three years.

**Fraudulently dealing with minerals in mines.**      **383.** ANY person who takes, conceals, or otherwise disposes of any ore of any metal or mineral in or about a mine, with intent to defraud any person, is guilty of a misdemeanour, and is liable to imprisonment with hard labour for three years.

**Concealing royalty.**      **384.** ANY person who, being the holder of any lease issued under any Act relating to mining—

(a.) By any device or contrivance defrauds, or attempts to defraud, any person of any royalty or money payable under any such lease; or

(b.) Conceals or makes a false statement as to any produce of the mine with intent to defraud;

is guilty of a misdemeanour, and is liable to imprisonment with hard labour for two years.

385.

*Criminal Code.*

**385.** ANY person who collects or removes guano on or from any part of the territorial dominions of Western Australia without lawful authority is guilty of a misdemeanour, and is liable to imprisonment with hard labour for one year.

Removing guano  
without license.

**386.** ANY person who, having at any place not in Western Australia obtained any property by any act which, if it had been done in Western Australia, would have constituted the crime of stealing, and which is an offence under the laws in force in the place where it was done, brings such property into Western Australia, or has it in his possession in Western Australia, is guilty of a crime, and is liable to the same punishment as if he had stolen it in Western Australia ; but so that the punishment does not exceed that which would be incurred for the same act under the laws in force in the place where the act by which he obtained the property was done.

Bringing stolen  
goods into Western  
Australia.

**387.** ANY person who, being the mortgagor of mortgaged goods, removes or disposes of the goods without the consent of the mortgagee, and with intent to defraud, is guilty of a misdemeanour, and is liable to imprisonment with hard labour for three years.

Fraudulent  
disposition of  
mortgaged goods.

Any such person who by any means defrauds or attempts to defraud the mortgagee of the goods or any part thereof, and thereby or by any other means directly or indirectly defeats, invalidates, or impairs the security of the mortgagee is guilty of a misdemeanour, and is liable to imprisonment with hard labour for two years and to a fine of One hundred pounds.

The term " mortgaged goods " includes any goods and chattels of any kind, and any live animals, and any progeny of any animals and any crops or produce of the earth, whether growing or severed which are subject for the time being to the provisions of any written instrument by which a valid charge or lien is created upon them by way of security for any debt or obligation.

The consent of the mortgagee may be either express or implied from the nature of the property mortgaged.

The shearing of sheep, and the sale and disposal of the wool in the ordinary course of business before default is made and possession taken, or demand for payment made, under the instrument by which the charge or lien is created is not an offence under this section.

**388.** ANY person who fraudulently abstracts or diverts to his own use or to the use of any other person any mechanical, illuminating, or electrical power derived from any machine, apparatus, or substance, the property of another person, is guilty of a crime, and is liable to imprisonment with hard labour for three years.

Fraudulent  
appropriation of  
power.

CHAPTER



*Criminal Code.*

## CHAPTER XXXVIII. —STEALING WITH VIOLENCE: EXTORTION BY THREATS.

Definition of robbery.

**389.** ANY person who steals anything, and, at or immediately before or immediately after the time of stealing it, uses or threatens to use actual violence to any person or property in order to obtain the thing stolen or to prevent or overcome resistance to its being stolen, is said to be guilty of robbery.

Loaded arms.

**390.** ANY arm which is loaded in the barrel or chamber with any explosive substance, and with any solid substance capable of being projected, is deemed to be loaded arms, although an attempt to discharge the same may fail from want of proper appliances or from any other cause.

Punishment of robbery.

**391.** ANY person who commits the crime of robbery is liable to imprisonment with hard labour for fourteen years.

If the offender is armed with any dangerous or offensive weapon or instrument, or is in company with one or more other person or persons, or if, at or immediately before or immediately after the time of the robbery, he wounds or uses any other personal violence to any person, he is liable to imprisonment with hard labour for life, with or without whipping.

Attempted robbery accompanied by wounding, or in company.

**392.** ANY person who assaults any person with intent to steal anything, and, at or immediately before or immediately after the time of the assault, uses or threatens to use actual violence to any person or property in order to obtain the thing intended to be stolen or to prevent or overcome resistance to its being stolen, is guilty of a crime, and is liable to imprisonment with hard labour for seven years.

If the offender is armed with any dangerous or offensive weapon or instrument, or is in company with one or more other person or persons, he is liable to imprisonment with hard labour for fourteen years, with or without whipping.

If the offender is armed with any kind of loaded arms, and at or immediately before or immediately after the time of the assault he wounds any person by discharging the loaded arms, he is liable to imprisonment with hard labour for life, with or without whipping.

Assault with intent to steal.

**393.** ANY person who assaults any person with intent to steal anything is guilty of a crime, and is liable to imprisonment with hard labour for three years.

Demanding property with menaces with intent to steal.

**394.** ANY person who, with intent to steal anything, demands it from any person with threats of any injury or detriment of any kind to be caused to him, either by the offender or by any other person,

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person, if the demand is not complied with, is guilty of a crime, and is liable to imprisonment with hard labour for three years.

**395.** ANY person who, with intent to extort or gain anything from any person, and knowing the contents of the writing, causes any person to receive any writing demanding anything from any person without reasonable or probable cause, and containing threats of any injury or detriment of any kind to be caused to any person, either by the offender or any other person, if the demand is not complied with, is guilty of a crime, and is liable to imprisonment with hard labour for fourteen years.

Demanding  
property by  
written threats.

**396.** ANY person who, with intent to extort or gain anything from any person,—

Attempts at extor-  
tion by threats.

- (1.) Accuses or threatens to accuse any person of committing any indictable offence, or of offering or making any solicitation or threat to any person as an inducement to commit or permit the commission of any indictable offence ; or
- (2.) Threatens that any person shall be accused by any other person of any indictable offence or of any such act ; or
- (3.) Knowing the contents of the writing, causes any person to receive any writing containing any such accusation or threat as aforesaid ;

is guilty of a crime.

If the accusation or threat of accusation is of—

- (a.) An offence for which the punishment of death or imprisonment for life may be inflicted ; or
- (b.) Any of the offences defined in chapter twenty-two, or an attempt to commit any of such offences ; or
- (c.) An assault with intent to have carnal knowledge of any person against the order of nature, or an unlawful and indecent assault upon a male person ; or
- (d.) An attempt to commit the crime of rape, or an assault with intent to commit the crime of rape, or an unlawful and indecent assault upon a woman or girl ; or
- (e.) A solicitation or threat offered or made to any person as an inducement to commit or permit the commission of any of the offences aforesaid ;

the offender is liable to imprisonment with hard labour for life.

In any other case the offender is liable to imprisonment with hard labour for seven years.

It is immaterial whether the person accused or threatened to be accused has or has not committed the offence or act of which he is accused or threatened to be accused.

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Procuring execution  
of deeds, etc., by  
threats.

**397.** ANY person who, with intent to defraud, and by means of any unlawful violence to, or restraint of, the person of another, or by means of any threat of violence or restraint to be used to the person of another, or by means of accusing or threatening to accuse any person of committing any indictable offence, or of offering or making any solicitation or threat to any person as an inducement to commit or permit the commission of any indictable offence, compels or induces any person,—

(a.) To execute, make, accept, indorse, alter, or destroy the whole or any part of any valuable security ; or

(b.) To write, impress, or affix any name or seal upon or to any paper or parchment, in order that it may be afterwards made or converted into or used or dealt with as a valuable security ;

is guilty of a crime, and is liable to imprisonment with hard labour for fourteen years.

CHAPTER XXXIX.—BURGLARY : HOUSEBREAKING : AND  
LIKE OFFENCES.

Definitions.

**398.** A PERSON who breaks any part, whether external or internal, of a building, or opens, by unlocking, pulling, pushing, lifting, or any other means whatever, any door, window, shutter, cellar, flap, or other thing intended to close or cover an opening in a building, or an opening giving passage from one part of a building to another, is said to break the building.

A person is said to enter a building as soon as any part of his body or any part of any instrument used by him is within the building.

A person who obtains entrance into a building by means of any threat or artifice used for that purpose, or by collusion with any person in the building, or who enters any chimney or other aperture of the building permanently left open for any necessary purpose, but not intended to be ordinarily used as a means of entrance, is deemed to have broken and entered the building.

Housebreaking :  
Burglary.

**399.** ANY person who—

(1.) Breaks and enters the dwelling-house of another with intent to commit a crime therein ; or

(2.) Having entered the dwelling-house of another with intent to commit a crime therein, or having committed a crime in the dwelling-house of another, breaks out of the dwelling-house ;

is guilty of a crime, and is liable to imprisonment with hard labour for fourteen years.

If

*Criminal Code.*

If the offence is committed in the night, the offender is liable to imprisonment with hard labour for life.

**400.** ANY person who enters or is in the dwelling-house of another with intent to commit a crime therein, is guilty of a crime, and is liable to imprisonment with hard labour for seven years.

Entering dwelling-house with intent to commit crime.

If the offence is committed in the night, the offender is liable to imprisonment with hard labour for fourteen years.

**401.** ANY person who—

- (1.) Breaks and enters a schoolhouse, shop, warehouse, or counting-house, or a building which is adjacent to a dwelling-house and occupied with it but is not part of it, and commits a crime therein ; or
- (2.) Having committed a crime in a schoolhouse, shop, warehouse, or counting-house, or in any such other building as last mentioned, breaks out of the building :

Breaking into buildings and committing crime.

is guilty of a crime, and is liable to imprisonment with hard labour for fourteen years.

**402.** ANY person who breaks and enters a schoolhouse, shop, warehouse, or counting-house, or a building which is adjacent to a dwelling-house and occupied with it but is not part of it, with intent to commit a crime therein, is guilty of a crime, and is liable to imprisonment with hard labour for seven years.

Breaking into buildings with intent to commit crime.

**403.** ANY person who breaks and enters a building ordinarily used for religious worship and commits a crime therein, or having committed a crime in any such building breaks out of it, is guilty of a crime, and is liable to imprisonment with hard labour for fourteen years.

Breaking into place of worship and committing crime.

**404.** ANY person who breaks and enters a building ordinarily used for religious worship, with intent to commit a crime therein, is guilty of a crime, and is liable to imprisonment with hard labour for seven years.

Breaking into place of worship with intent to commit a crime.

**405.** ANY person who is found under any of the circumstances following, that is to say :—

- (a.) Being armed with any dangerous or offensive weapon or instrument, and being so armed with intent to break or enter a dwelling-house, and to commit a crime therein ;
- (b.) Being armed as aforesaid by night, and being so armed with intent to break or enter any building whatever, and to commit a crime therein ;

Persons found armed, etc., with intent to commit crime.

(c.)

*Criminal Code.*

- (c.) Having in his possession by night without lawful excuse, the proof of which lies on him, any instrument of house-breaking ;
- (d.) Having in his possession by day any such instrument with intent to commit a crime ;
- (e.) Having his face masked or blackened or being otherwise disguised, with intent to commit a crime ; or
- (f.) Being in any building whatever by night with intent to commit a crime therein ;

is guilty of a crime, and is liable to imprisonment with hard labour for three years.

If the offender has been previously convicted of a crime relating to property, he is liable to imprisonment with hard labour for seven years.

CHAPTER XL.—OBTAINING PROPERTY BY FALSE PRETENCES :  
CHEATING.

Definition.

**406.** ANY representation made by words or otherwise of a matter of fact, either past or present, which representation is false in fact, and which the person making it knows to be false or does not believe to be true, is a false pretence.

Obtaining goods by false pretences.

**407.** ANY person who by any false pretence, and with intent to defraud, obtains from any other person anything capable of being stolen, or induces any other person to deliver to any person anything capable of being stolen, is guilty of a crime, and is liable to imprisonment with hard labour for three years.

If the thing is of the value of five hundred pounds or upwards, he is liable to imprisonment with hard labour for seven years.

It is immaterial that the thing is obtained or its delivery is induced through the medium of a contract induced by the false pretence.

The offender cannot be arrested without warrant unless found committing the offence.

Obtaining execution of a security by false pretences.

**408.** ANY person who, by any false pretence, and with intent to defraud, induces any person to execute, make, accept, indorse, alter, or destroy the whole or any part of any valuable security, or to write, impress, or affix any name or seal upon or to any paper or parchment, in order that it may be afterwards made or converted into or used or dealt with as a valuable security, is guilty of a crime, and is liable to imprisonment with hard labour for three years.

The offender cannot be arrested without warrant unless found committing the offence.

409.

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**409.** ANY person who, by means of any fraudulent trick or device, obtains from any other person anything capable of being stolen, or induces any other person to deliver to any person anything capable of being stolen, or to pay or deliver to any person any money or goods, or any greater sum of money or greater quantity of goods than he would have paid or delivered but for such trick or device, is guilty of a misdemeanour, and is liable to imprisonment with hard labour for two years. Cheating.

A person found committing the offence may be arrested without warrant.

**410.** ANY person who conspires with another by deceit or any fraudulent means to affect the market price of anything publicly sold, or to defraud the public, or any person, whether a particular person or not, or to extort any property from any person, is guilty of a crime, and is liable to imprisonment with hard labour for seven years. Conspiracy to defraud.

The offender cannot be arrested without warrant.

**411.** ANY person who, being a seller or mortgagor of any property, or being the solicitor or agent of any such seller or mortgagor, with intent to induce the purchaser or mortgagee to accept the title offered or produced to him, and with intent to defraud,— Frauds on sale or mortgage of property.

(1.) Conceals from the purchaser or mortgagee any instrument material to the title, or any encumbrance ; or

(2.) Falsifies any pedigree on which the title depends or may depend ;

is guilty of a misdemeanour, and is liable to imprisonment with hard labour for two years.

**CHAPTER XII.—RECEIVING PROPERTY STOLEN OR FRAUDULENTLY OBTAINED AND LIKE OFFENCES.**

**412.** ANY person who receives anything which has been obtained by means of any act constituting an indictable offence, or by means of any act done at a place not in Western Australia which if it had been done in Western Australia would have constituted an indictable offence, and which is an offence under the laws in force in the place where it was done, knowing the same to have been so obtained, is guilty of a crime. Receiving stolen property, etc.

If the offence by means of which the thing was obtained is a crime, the offender is liable to imprisonment with hard labour for fourteen years.

In any other case the offender is liable to imprisonment with hard labour for seven years.

For

*Criminal Code.*

For the purpose of proving the receiving of anything, it is sufficient to show that the accused person has, either alone or jointly with some other person, had the thing in his possession, or has aided in concealing it or disposing of it.

Receiving after  
change of owner-  
ship.

**413.** WHEN a thing has been obtained by means of any act constituting an indictable offence, or by means of an act done at a place not in Western Australia which if it had been done in Western Australia would have constituted an indictable offence, and which is an offence under the laws in force in the place where it was done, and another person has acquired a lawful title to it, a subsequent receiving of the thing is not an offence although the receiver knows that the thing had previously been so obtained.

Taking reward for  
recovery of property  
obtained by means  
of indictable  
offences.

**414.** ANY person who corruptly receives or obtains, or corruptly agrees to receive or obtain, any property or benefit of any kind upon an agreement or understanding that he will help any person to recover anything which has been obtained by means of any act constituting an indictable offence, or by means of any act done at a place not in Western Australia which if it had been done in Western Australia would have constituted an indictable offence, and which is an offence under the laws in force in the place where it was done, is, unless he has used all due diligence to cause the offender to be brought to trial for the offence, guilty of a crime, and is liable to imprisonment with hard labour for seven years.

**CHAPTER XLII.—FRAUDS BY TRUSTEES AND OFFICERS OF COMPANIES AND CORPORATIONS: FALSE ACCOUNTING.**

Trustees fraudu-  
lently disposing of  
trust property.

**415.** ANY person who, being a trustee of any property, destroys the property with intent to defraud, or with intent to defraud converts the property to any use not authorised by the trust, is guilty of a crime, and is liable to imprisonment with hard labour for seven years.

The offender cannot be arrested without warrant.

If civil proceedings have been taken against a trustee in respect of any act done by him which is an offence under the provisions of this section, he cannot be afterwards prosecuted for the same cause, as for an offence, on the complaint of the person by whom the civil proceedings were taken, without the sanction of the Court or Judge before whom the civil proceedings were had or are pending.

For the purposes of this section the term "trustee" includes the following persons and no others, that is to say:—

Trustees upon express trusts created by a deed, will, or instrument in writing, whether for a public or private or charitable purpose ;

Trustees

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Trustees appointed by or under the authority of a Statute for any such purpose ;

Persons upon whom the duties of any such trust as aforesaid devolve ;

Executors and administrators ;

Liquidators, trustees, and other like officers acting under any law relating to companies or to insolvent debtors, by whomsoever appointed or elected.

**416.** ANY person who signs any memorandum of association, or any statement, abstract, or document, required by any Act relating to companies, containing any particulars false to the knowledge of such person, is guilty of a misdemeanour, and is liable to imprisonment with hard labour for one year or to a fine of One hundred pounds.

False statement relating to companies.

**417.** ANY person who—

(1.) Being a director or officer of a corporation or company, receives or possesses himself as such of any of the property of the corporation or company otherwise than in payment of a just debt or demand, and, with intent to defraud, omits either to make a full and true entry thereof in the books and accounts of the corporation or company, or to cause or direct such an entry to be made therein ; or

Directors and officers of corporations or companies fraudulently appropriating property, or keeping fraudulent accounts, or falsifying books or accounts.

2.) Being a director, officer, or member of a corporation or company, does any of the following acts with intent to defraud, that is to say :—

(a.) Destroys, alters, mutilates, or falsifies, any book, document, valuable security, or account, which belongs to the corporation or company, or any entry in any such book, document, or account or is privy to any such act ; or

(b.) Makes or is privy to making any false entry in any such book, document, or account ; or

(c.) Omits or is privy to omitting any material particular from any such book, document, or account ;

is guilty of a crime, and is liable to imprisonment with hard labour for seven years.

The offender cannot be arrested without warrant.

**418.** ANY person who, being a promoter, director, officer, or auditor of a corporation or company, either existing or intended to be formed, makes, circulates, or publishes, or concurs in making, circulating, or publishing any written statement or account which, in

False statements by officials of companies.



*Criminal Code.*

in any material particular, is to his knowledge false, with intent thereby to effect any of the purposes following, that is to say :—

- (a.) To deceive or defraud any member, shareholder, or creditor of the corporation or company, whether a particular person or not ;
- (b.) To induce any person, whether a particular person or not, to become a member of, or to intrust or advance any property to the corporation or company, or to enter into any security for the benefit thereof ;

is guilty of a crime, and is liable to imprisonment with hard labour for seven years.

The offender cannot be arrested without warrant.

**419.** IT is a defence to a charge of any of the offences hereinbefore in this chapter defined to prove that the accused person, before being charged with the offence, and in consequence of the compulsory process of a Court of justice in an action or proceeding instituted in good faith by a party aggrieved, or in a compulsory examination or deposition before a Court of justice, disclosed on oath the act alleged to constitute the offence.

A person is not entitled to refuse to answer any question or interrogatory in any civil proceeding in any Court, on the ground that his doing so might tend to show that he had committed any such offence.

tion by  
local

**420.** ANY person who, being a member of a local authority, —

- (1.) Advisedly applies any money forming part of any fund under the control of the local authority to any purpose to which, to his knowledge, it cannot lawfully be applied ; or
- (2.) Advisedly concurs in any such application of any such money ;

is guilty of a misdemeanour, and is liable to imprisonment with hard labour for two years.

The term “local authority” includes any corporation or board constituted or appointed under the authority of a Statute, and charged with the administration of moneys for any purposes of local concern.

A prosecution for either of the offences defined in this section cannot be begun except by the direction of the Attorney General.

**421.** ANY person who, being a clerk or servant, or being employed or acting in the capacity of a clerk or servant, does any of the acts following with intent to defraud, that is to say :—

- (a.) Destroys, alters, mutilates, or falsifies, any book, document, valuable security, or account, which belongs to

or

*Criminal Code.*

or is in the possession of his employer, or has been received by him on account of his employer, or any entry in any such book, document, or account, or is privy to any such act : or

(b.) Makes or is privy to making any false entry in any such book, document, or account ; or

(c.) Omits or is privy to omitting any material particular from any such book, document, or account ;

is guilty of a crime, and is liable to imprisonment with hard labour for seven years.

**422.** ANY person who, being an officer charged with the receipt, custody, or management of any part of the public revenue or property, knowingly furnishes any false statement or return of any money or property received by him or entrusted to his care, or of any balance of money or property in his possession or under his control, is guilty of a misdemeanour, and is liable to imprisonment with hard labour for two years.

False accounting by public officer.

CHAPTER XLIII.—SUMMARY CONVICTION FOR STEALING AND  
LIKE INDICTABLE OFFENCES.

**423.** WHEN a person is charged before two Justices with any of the indictable offences following, that is to say :—

Indictable offences which may be dealt with summarily.

- (a.) Stealing anything of such a kind and under such circumstances that the greatest punishment to which an offender convicted of the offence is liable does not exceed imprisonment for three years with hard labour ;
- (b.) Killing, with intent to steal the skin or carcass or any part of the skin or carcass, any animal of such a kind that the greatest punishment to which an offender convicted of the offence of stealing the animal is liable does not exceed imprisonment for three years with hard labour ;
- (c.) Stealing anything from the person of another :
- (d.) Stealing by a clerk or servant of anything which is the property of his employer, or which came into his possession on account of his employer ;
- (e.) Making any thing movable with intent to steal it, without circumstances of aggravation ;
- (f.) Obtaining or procuring the delivery of anything by a false pretence with intent to defraud ;
- (g.) Obtaining by means of a fraudulent trick or device anything capable of being stolen, or inducing, by means of any

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any such trick or device, the delivery or payment of any money or goods or other thing capable of being stolen ;

- (h.) Attempting to commit any of the offences aforesaid ;
- (i.) Receiving anything which has been obtained by means of a crime or misdemeanour of such a nature, or committed under such circumstances, that the offender who committed the crime or misdemeanour might be summarily convicted under the provisions of this section;
- (j.) Counselling or procuring the commission of any of the offences aforesaid ;

then, if—

- (1.) The value of the property in question does not exceed Fifty pounds ; or
- (2.) The accused person admits that he is guilty of the offence and it appears to the justices that the nature of the offence is such, whatever may be the value of the property in question, that the offender may be adequately punished upon summary conviction ;

the justices may deal with the charge summarily.

The offender is liable on such summary conviction to imprisonment with hard labour for six months, or to a fine of Fifty pounds.

**Procedure.**

**424.** BEFORE the accused person is asked to show cause why he should not be convicted, the justices are required to explain to him that he is entitled to be tried by a jury, and is not obliged to make any defence before them, and to ask him whether he objects to the charge being dealt with summarily.

If the accused person does not object to the justices dealing with the charge summarily, the justices are required to reduce the charge to writing and to read it to the accused person, and then to ask him whether he is guilty or not guilty of the offence ; and if he says that he is guilty they are to convict him of the offence, but if he says that he is not guilty they are required to hear his defence, and then deal with the charge summarily.

If the accused person is charged with obtaining or procuring the delivery of anything by a false pretence with intent to defraud, the justices are required, after the charge has been reduced to writing and read to the accused person, to state in effect that a false pretence means a false representation, by words, writing, or conduct that some fact exists or existed, and that a promise as to future conduct not intended to be kept is not by itself a false pretence, and may add such explanation as the justices may deem suitable to the circumstances.

If

*Criminal Code.*

If the justices find that the charge is proved, they may, whether they impose any punishment or not, order the offender to make restitution of the property, if any, in respect of which the offence was committed, to the owner thereof; and if the property is not at once restored, they may order the offender to pay the amount of its value, to be assessed by them, to the owner, either in one sum or by such instalments, and at such times, as they think fit.

(1.) If it appears that, by reason of the accused person having been previously convicted of some offence on indictment, he is liable, on conviction of the offence charged, to imprisonment for a term of more than three years; or

(3.) If for any reason the justices are of opinion that the charge is a fit subject for prosecution by indictment;

the justices are required to abstain from dealing with the case summarily.

CHAPTER XLIV.—OFFENCES ANALOGOUS TO STEALING PUNISHABLE ON SUMMARY CONVICTION.

**425.** ANY person who unlawfully uses or takes for the purpose of using, a horse, mare, gelding, ass, mule, camel, bull, cow, ox, ram, ewe, wether, goat, pig, or dog, or the young of any such animal, without the consent of the owner, or of the person in lawful possession thereof, and any person who takes any such animal, for the purpose of secreting the same, or obtaining a reward for the restoration or pretended finding thereof or for any fraudulent purpose, is guilty of an offence, and is liable on summary conviction to imprisonment with hard labour for one year, or to a fine of Fifty pounds for every animal so used, or taken. Unlawfully using animals.

**426.** WHEN any horse, mare, gelding, ass, mule, camel, bull, cow, ox, ram, ewe, wether, goat, pig, or dog, or the young of any such animal, is suspected, on reasonable grounds, to have been stolen, any person in whose possession or custody the skin or carcass, or any part of the skin or carcass, of the animal so suspected to have been stolen is found, is guilty of an offence, unless he proves that he came lawfully by the thing in question; and he is liable on summary conviction to a fine of Fifty pounds. Suspicion of stealing cattle.

It is a defence to a charge of the offence defined in this section to prove that the accused person came lawfully by the thing in question.

**427.** ANY person who, knowing that he is not the owner of an animal, brands or marks it, or knowingly permits it to be branded Illegal branding.

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branded or marked, is guilty of an offence, and is liable on summary conviction to a fine of Fifty pounds.

Defacing brands.

**428.** ANY person who —

- (1.) Alters, defaces, or otherwise renders undistinguishable, any registered brand or registered mark upon an animal; or
- (2.) Knowingly permits any such act to be done by any person over whom he has control;

is guilty of an offence, and is liable on summary conviction to a fine of Fifty pounds.

Time of prosecution

**429.** A PROSECUTION for any of the offences defined in the two last preceding sections may be begun within twelve months after the offence is committed.

Committal for trial

**430.** IF the justices before whom any person is brought, charged with any of the offences hereinbefore in this chapter defined, are of opinion that there ought to be a prosecution for an indictable offence, they may abstain from dealing with the case summarily, and commit the defendant to take his trial for the indictable offence.

Unlawful possession of shipwrecked goods.

**431.** ANY person in whose possession or on whose premises anything which belongs to a vessel in distress, or wrecked, or stranded, is found, and which is suspected, on reasonable grounds, to have been unlawfully taken from the vessel, is guilty of an offence unless he proves that he came lawfully by the thing in question; and he is liable on summary conviction to imprisonment with hard labour for six months, or to a fine of an amount equal to the value of the thing so found, and Twenty pounds in addition.

The justices are required to order the thing in question to be delivered up to the rightful owner.

It is a defence to a charge of the offence defined in this section to prove that the accused person came lawfully by the thing in question.

Offering shipwrecked goods for sale.

**432.** ANY person who offers or exposes for sale anything which is suspected, on reasonable grounds, to have been unlawfully taken from a vessel in distress, or wrecked, or stranded, is guilty of an offence unless he proves that he came lawfully by the thing in question; and he is liable on summary conviction to imprisonment with hard labour for six months, or to a fine of an amount

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amount equal to the value of the thing in question, and Twenty pounds in addition.

Any person employed in the Public Service may seize any such thing so offered for sale.

If the accused person is convicted, the justices before whom the charge is tried are required to order the thing in question to be delivered up to the rightful owner thereof upon payment of a reasonable reward, to be ascertained by the justices, to the person who seized the same.

It is a defence to a charge of either of the offences defined in this section to prove that the accused person came lawfully by the thing in question.

**433.** ANY person who unlawfully and otherwise than in the course of catching or fishing for floating fish with a net or other instrument adapted for taking floating fish only,—

Unlawfully  
dredging for  
oysters.

- (1.) Uses, for the purpose of taking oysters or oyster brood, any net or other instrument within the limits of an oyster bed, laying, or fishery, which is the property of any other person, and which is sufficiently marked out, or is known by general repute as his property, whether any oysters or oyster brood are actually taken or not ; or
- (2.) Drags upon the ground or soil of any such fishery with any net or instrument ;

is guilty of an offence, and is liable on summary conviction to imprisonment with hard labour for three months.

**434.** ANY person who unlawfully takes or destroys, or attempts to take or destroy, any fish in any water which is private property, or in which there is a private right of fishery, is guilty of an offence, and is liable on summary conviction to a fine of an amount equal to the value of the fish taken or destroyed, if any, and Five pounds in addition.

Unlawfully taking  
fish.

**435.** A PERSON found committing any of the offences defined in this chapter may be arrested without warrant by a police officer, or by the owner of the property in question or his servant, or by any person authorised by such owner or servant.

Arrest without  
warrant.

**436.** A JUSTICE may issue a warrant in the first instance for the arrest of any person charged with any of the offences defined in this chapter.

Warrant in first  
instance.

**437.** A PERSON who has been summarily convicted of any of the offences defined in this chapter, except those defined in the first four sections thereof, and who has paid the fine or sum, adjudged,

Effect of summary  
conviction and of  
civil proceedings.

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adjudged to be paid under the conviction, together with the costs, if any, or has suffered the imprisonment adjudged for non-payment thereof, or has suffered the imprisonment adjudged in the first instance, or has received the Royal mercy, or has been discharged without punishment upon making satisfaction to the person aggrieved, or whose sentence has been conditionally suspended, is not liable to any civil proceedings for the same cause at the suit of the person on whose complaint he was convicted.

If civil proceedings have been taken against any person in respect of any act done by him which is an offence under any of the provisions of this chapter, he cannot be afterwards prosecuted for the same cause, as for an offence, on the complaint of the person by whom the civil proceedings were taken.

*Division II.—Injuries to Property.*

## CHAPTER XLV.—DEFINITIONS.

Unlawful acts.

**438.** AN act which causes injury to the property of another, and which is done without his consent, is unlawful unless it is authorised, or justified, or excused by law.

It is immaterial that the person who does the injury is in possession of the property injured, or has a partial interest in it.

A person is not criminally responsible for an injury caused to property by the use of such force as is reasonably necessary for the purpose of defending or protecting himself, or any other person, or any property from injury, which he believes, on reasonable grounds, to be imminent.

Acts done with  
intent to defraud

**439.** WHEN an act which causes injury to property, and which would be otherwise lawful, is done with intent to defraud any person, it is unlawful.

When an act which causes injury to property is done with intent to defraud any person, it is immaterial that the property in question is the property of the offender himself.

Damage.

**440.** THE term “damage” used in relation to a document, or to a writing or inscription, includes obliterating and rendering illegible, either in whole or in part.

## CHAPTER XLVI.—OFFENCES.

Arson.

**441.** ANY person who wilfully and unlawfully sets fire to any of the things following, that is to say:—

(a.) Any building or structure whatever, whether completed or not;

(b.) Any vessel, whether completed or not;

(c.)

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(c.) A mine or the workings, fittings, or appliances of a mine;

is guilty of a crime, and is liable to imprisonment with hard labour for life.

**442.** ANY person who—

(1.) Attempts unlawfully to set fire to any such thing as is mentioned in the last preceding section; or Attempts to commit arson.

(2.) Wilfully and unlawfully sets fire to anything which is so situated that any such thing as is mentioned in the last preceding section is likely to catch fire from it;

is guilty of a crime, and is liable to imprisonment with hard labour for fourteen years.

**443.** ANY person who wilfully and unlawfully sets fire to any stack of vegetable produce or of mineral or vegetable fuel is guilty of a crime, and is liable to imprisonment with hard labour for fourteen years. Setting fire to stacks, etc.

**444.** ANY person who wilfully and unlawfully sets fire to any of the things following, that is to say:— Setting fire to crops and growing plants.

(a.) A crop of cultivated vegetable produce, whether standing or cut;

(b.) A crop of hay or grass, whether the natural or indigenous product of the soil or not, and whether under cultivation or not, and whether standing or cut;

(c.) Any standing trees, saplings, or shrubs, whether indigenous or cultivated;

(d.) Any heath, gorse, furze, or fern;

is guilty of a crime, and is liable to imprisonment with hard labour for fourteen years.

**445.** ANY person who attempts unlawfully to set fire to any such thing as is mentioned in the last preceding section is guilty of a crime and is liable to imprisonment with hard labour for seven years. Attempting to set fire to crops, etc.

**446.** ANY person who—

(1.) Wilfully and unlawfully casts away or destroys any vessel, whether complete or not; or

(2.) Wilfully and unlawfully does any act which tends to the immediate loss or destruction of a vessel in distress; or

(3.)

Casting away ships.



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- (3.) With intent to bring a vessel into danger interferes with any light, beacon, mark, or signal, used for purposes of navigation, or for the guidance of seamen, or exhibits any false light or signal ;

is guilty of a crime, and is liable to imprisonment with hard labour for life.

Attempts to cast away ships.

**447.** ANY person who attempts unlawfully to cast away or destroy a vessel, whether completed or not, or attempts unlawfully to do any act tending to the immediate loss or destruction of a vessel in distress, is guilty of a crime, and is liable to imprisonment with hard labour for fourteen years.

Obstructing and injuring railways.

**448.** ANY person who unlawfully, and with intent to obstruct the use of a railway or to injure any property upon a railway—

- (1.) Deals with the railway or with anything whatever on or near the railway in such a manner as to endanger the free and safe use of the railway ; or
- (2.) Unlawfully shows any light or signal, or deals with any existing light or signal upon or near the railway ; or
- (3.) By any omission to do any act which it is his duty to do causes the free and safe use of the railway to be endangered ;

is guilty of a crime, and is liable to imprisonment with hard labour for life.

Injuring animals.

**449.** ANY person who wilfully and unlawfully kills, maims, or wounds any animal capable of being stolen is guilty of an indictable offence.

If the animal in question is a horse, mare, gelding, ass, mule, camel, bull, cow, ox, ram, ewe, or wether, or the young of any such animal, the offender is guilty of a crime, and is liable to imprisonment with hard labour for seven years.

In any other case the offender is guilty of a misdemeanour, and is liable to imprisonment with hard labour for two years, or, if the offence is committed by night, to imprisonment with hard labour for three years.

Malicious injuries in general.

**450.** ANY person who wilfully and unlawfully destroys or damages any property is guilty of an offence which, unless otherwise stated, is a misdemeanour, and he is liable, if no other punishment is provided, to imprisonment with hard labour for two years, or, if the offence is committed by night, to imprisonment with hard labour for three years

PUNISHMENT

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## PUNISHMENT IN SPECIAL CASES.

(I.)—If the property in question is a dwelling-house or a vessel, and the injury is caused by the explosion of any explosive substance, and if—

Destroying or damaging an inhabited house, or a vessel with explosives.

(a.) Any person is in the dwelling-house or vessel ; or

(b.) The destruction or damage actually endangers the life of any person ;

the offender is guilty of a crime, and is liable to imprisonment with hard labour for life.

II.—(a.) If the property in question is a bank or wall of the sea or of a river, canal, aqueduct, reservoir, or inland water, or a work which appertains to a port, harbour, dock, reservoir, or inland water, and the injury causes actual danger of inundation or damage to any land or building ; or

Sea bank, or sea wall, navigation works, or bridges.

(b.) If the property in question is a railway, or is a bridge, viaduct, or aqueduct, which is constructed over a highway, railway, or canal, or over which a highway, railway, or canal, passes, and the property is destroyed ; or

(c.) If the property in question being a railway or being any such bridge, viaduct, or aqueduct, is damaged and the damage is done with intent to render the railway, bridge, viaduct, or aqueduct, or the highway, railway, or canal, passing over or under the same, or any part thereof, dangerous or impassable, and the same or any part thereof is thereby rendered dangerous, or impassable ;

the offender is guilty of a crime, and is liable to imprisonment with hard labour for life.

III.—If the property in question is a testamentary instrument, whether the testator is living or dead, or a register which is authorised, or required by law to be kept for authenticating or recording the title to any property, or for recording births, baptisms, marriages, deaths, or burials, or a copy of any part of any such register which is required by law to be sent to any public officer, the offender is guilty of a crime, and is liable to imprisonment with hard labour for fourteen years.

Wills and registers.

IV.—If the property in question is a vessel in distress, or wrecked, or stranded, or anything which belongs to such a vessel, the offender is guilty of a crime, and is liable to imprisonment with hard labour for seven years.

Wrecks.

V.—If the property in question is any part of a railway, or any work connected with a railway, the offender is guilty of a crime, and is liable to imprisonment with hard labour for fourteen years.

Railways.

VI.

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Drainage works.

VI.—If the property in question is a bank, drain, sewer, dam, mill, engine, building, sluice, or any other work whatsoever erected or made for the drainage of land, the offender is guilty of a crime and is liable to imprisonment with hard labour for seven years.

Other things of special value.

VII.—(a.) If the property in question, being a vessel, whether complete or not, is destroyed ; or

(b.) If the property in question being a vessel, whether complete or not, is damaged, and the damage is done with intent to destroy it or render it useless ; or

(c.) If the property in question is a light, beacon, buoy, mark or signal, used for purposes of navigation, or for the guidance of seamen ; or

(d.) If the property in question is a bank or wall of the sea or of a river, canal, aqueduct, reservoir, or inland water, or a work which appertains to a port, harbour, dock, canal, aqueduct, reservoir, or inland water, or which is used for the purpose of lading or unloading goods ; or

(e.) If the property in question, being a railway, or being a bridge, viaduct, or aqueduct, which is constructed over a highway, railway, or canal, or over which a highway, railway, or canal passes, is damaged, and the damage is done with intent to render the railway, bridge, viaduct, or aqueduct, or the highway, railway, or canal passing over or under the same, or any part thereof, dangerous or impassable ; or

(f.) If the property in question, being anything in process of manufacture, or an agricultural or manufacturing machine, or a manufacturing implement, or a machine or appliance used or intended to be used for performing any process connected with the preparation of any agricultural or pastoral produce, is destroyed ; or

(g.) If the property in question, being any such thing, machine, implement, or appliance as last aforesaid, is damaged, and the damage is done with intent to destroy the thing in question or to render it useless ; or

(h.) If the property in question is a shaft, or passage of a mine, and the injury is done with intent to damage the mine or to obstruct its working ; or

(i.) If the property in question is a machine, appliance, apparatus, building, erection, bridge, or road, appertaining

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taining to or used with a mine, whether the thing in question is completed or not ; or

- (j.) If the property in question, being a rope, chain, or tackle, of whatever material, which is used in a mine, or upon any way or work appertaining to or used with a mine, is destroyed ; or
- (k.) If the property in question, being any such rope, chain, or tackle, as last aforesaid, is damaged, and the damage is done with intent to destroy the thing in question or to render it useless ; or
- (l.) If the property in question is a well, or bore for water, or the dam, bank, wall, or floodgate of a mill-pond or pool ;

the offender is guilty of a crime, and is liable to imprisonment with hard labour for seven years.

VIII.—If the property in question is a document which is deposited or kept in a public office, or which is evidence of title to any land or estate in land, the offender is guilty of a crime, and is liable to imprisonment with hard labour for seven years.

Deeds and records.

**451.** ANY person who wilfully and unlawfully causes by any explosive substance, an explosion of a nature likely to cause serious injury to property, whether any injury to property has been actually caused or not, is guilty of a crime, and is liable to imprisonment with hard labour for life.

Causing explosion likely to do serious injury to property.

For all purposes of and incidental to arrest, trial, and punishment, a crime for which a person is liable to be punished under this section when committed out of Western Australia is deemed to have been committed in the place in which such person is apprehended or is in custody.

**452.** ANY person who within, or (being a subject of His Majesty) without His Majesty's dominions, wilfully and unlawfully—

- (1.) Does any act with intent to cause by an explosive substance, or conspires to cause by an explosive substance, an explosion in Western Australia of a nature likely to cause serious injury to property ; or
- (2.) Makes or has in his possession or under his control, any explosive substance with intent by means thereof to cause serious injury to property in Western Australia, or to enable any other person by means thereof to cause serious injury to property in Western Australia ;
- (3.) Puts any explosive substance in any place whatever with intent to destroy or damage any property,

whether any explosion does or does not take place, and whether any injury to property has been actually caused or not, is guilty of a crime,

Attempting to cause explosion likely to do serious injury to property.

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crime, and is liable to imprisonment with hard labour for fourteen years, and to forfeiture of the explosive substance.

The term "explosive substance" in this section includes any materials for making any explosive substance; also any apparatus, machine, implement, or materials, used or intended to be used or adapted for causing or aiding in causing, any explosion in or with any explosive substance; also any part of any such apparatus, machine, or implement.

For the purpose of and incidental to arrest, trial, and punishment a crime for which a person is liable to be punished under this section, when committed out of Western Australia, is deemed to have been committed in the place in which such person is apprehended or is in custody.

Attempts to injure  
mines.

**453.** ANY person who, with intent to injure a mine or to obstruct the working of a mine—

(1.) Unlawfully, and otherwise than by an act done underground in the course of working an adjoining mine,—

(a.) Causes water to run into the mine or into any subterranean passage communicating with the mine; or

(b.) Obstructs any shaft or passage of the mine; or

(2.) Unlawfully obstructs the working of any machine, appliance, or apparatus, appertaining to or used with the mine, whether the thing in question is completed

or not; or

(3.) Unlawfully, and with intent to render it useless, injures or unfastens a rope, chain, or tackle, of whatever material, which is used in the mine or upon any way or work appertaining to or used with the mine:

is guilty of a crime, and is liable to imprisonment with hard labour for seven years.

Interfering with  
marine signals.

**454.** ANY person who wilfully and unlawfully removes, defaces, or renders invisible, any light, beacon, buoy, mark, or signal, used for purposes of navigation, or for the guidance of seamen, or unlawfully attempts to remove, deface, or render invisible, any such thing, is guilty of a crime, and is liable to imprisonment with hard labour for seven years.

Interfering with  
navigation works.

**455.** ANY person who,—

(1.) Wilfully and unlawfully removes or disturbs any fixed object or materials used for securing a bank or wall of the sea, or of a river, canal, aqueduct, reservoir, or inland water, or for securing any work which appertains

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tains to a port, harbour, dock, canal, aqueduct, reservoir, or inland water, or which is used for purposes of navigation, or lading or unlading goods ; or

- (2.) Unlawfully does any act with intent to obstruct the carrying on, completion, or maintenance, of the navigation of a navigable river or canal, and thereby obstructs such carrying on, completion or maintenance ;

is guilty of a crime, and is liable to imprisonment with hard labour for seven years.

**456.** ANY person who wilfully and unlawfully causes or is concerned in causing, or attempts to cause, any infectious disease to be communicated to or among any animal or animals capable of being stolen, is guilty of a crime, and is liable to imprisonment with hard labour for seven years.

Communicating infectious diseases to animals.

**457.** ANY person who causes any four-footed animal which is infected with an infectious disease to travel, or, being the owner or one of two or more joint owners of any four-footed animal which is infected with an infectious disease, permits or connives at the travelling of any such animal, contrary to the provisions of any Statute relating to infected animals of that kind, is guilty of a misdemeanour, and is liable to imprisonment for two years.

Travelling with infected animals.

**458.** ANY person who, wilfully and unlawfully and with intent to defraud, removes or defaces any object or mark which has been lawfully erected or made as an indication of the boundary of any land, is guilty of a misdemeanour, and is liable to imprisonment with hard labour for three years.

Removing boundary marks.

**459.** ANY person who, by any unlawful act, or by any intentional omission to do any act which it is his duty to do, causes any engine or vehicle in use upon a railway to be obstructed in its passage on the railway, is guilty of a misdemeanour, and is liable to imprisonment with hard labour for two years.

Obstructing railways.

**460.** ANY person who, knowing the contents of the writing, causes any person to receive any writing threatening that any building or vessel, whether complete or not, or any stack of cultivated vegetable produce, or any such produce or other thing that is in or under a building, shall be burnt or destroyed, is guilty of a crime, and is liable to imprisonment with hard labour for seven years.

Sending letters threatening to burn or destroy.

**461.** A PERSON found committing any of the misdemeanours defined in this chapter may be arrested without warrant by

Arrest without warrant.

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a police officer, or by the owner of the property injured or his servant, or by any person authorised by such owner or servant.

CHAPTER XLVII.—SUMMARY CONVICTION FOR CERTAIN OFFENCES.

Offences which may be dealt with summarily.

**462.** WHEN a person is charged before two justices with any of the indictable offences following, that is to say :—

- (a.) Wilfully and unlawfully destroying or damaging any property, under such circumstances that the greatest punishment to which an offender convicted of the offence is liable, does not exceed imprisonment for three years with hard labour ;
- (b.) Wilfully and unlawfully killing, maiming, or wounding any animal capable of being stolen ;

then, if—

- (1.) The amount of the injury done does not exceed Fifty pounds ; or
- (2.) The accused person admits that he is guilty of the offence, and it appears to the justices that the nature of the offence is such, whatever may be the amount of the injury done, that the offender may be adequately punished upon summary conviction ;

the justices may, except as hereinafter stated, deal with the charge summarily.

The offender is liable on such summary conviction to imprisonment with hard labour for six months, or to a fine of an amount equal to the amount of the injury done, to be assessed by the justices, and Twenty-five pounds in addition.

The justices may order the offender to pay the amount awarded in respect of the injury either in one sum or by such instalments and at such times as they think fit.

If it appears that the injury complained of was done in the course of hunting or fishing, or in the pursuit of game, and was not done with an intention to destroy or damage the property injured, the justices cannot deal with the case summarily.

Procedure.

**463.** SUCH summary jurisdiction is to be exercised in the manner and subject to the conditions prescribed in chapter forty-three with respect to the summary trial and punishment of offenders who may be summarily convicted of indictable offences under the provisions of that chapter.

Trivial charges.

**464.** IF, on the trial of any person under the provisions of this chapter, the justices are of opinion that the injury is of so trivial a nature

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nature as not to deserve any punishment, they may convict the defendant and discharge him without inflicting any punishment.

**465.** A PERSON who has been summarily convicted of any offence under the provisions of this chapter, and who has paid the fine or sum adjudged to be paid under the conviction, if any, together with the costs, if any, or has suffered the imprisonment adjudged for non-payment thereof, or has suffered the imprisonment adjudged in the first instance, or has received the Royal mercy, or has been discharged without punishment, or whose sentence has been conditionally suspended, is not liable to any civil proceedings for the same cause at the suit of the person on whose complaint he was convicted.

Effect of summary conviction and of civil proceedings.

If civil proceedings have been taken against any person in respect of any act done by him which is an offence of which he might have been convicted under the provisions of this chapter, he cannot be afterwards prosecuted for the same cause, as for an offence on the complaint of the person by whom the civil proceedings were taken.

*Division III.—Forgery and like Offences: Personation.*

CHAPTER XLVIII.—FORGERY IN GENERAL: DEFINITIONS.

**466.** IN this division of this part of this Code—

Definitions.

The term “document” includes a register or register book or part of either, and any other book, and any paper, parchment, or other material whatever, used for writing or printing, which is marked with any letters or marks denoting words, or with any other signs capable of conveying a definite meaning to persons conversant with them; but does not include trade marks on articles of commerce;

The term “writing” includes an inscription on wood, stone, metal, or other material: It also includes a mere signature and a mark of any kind;

The term “seal” includes any stamp, die, or other thing, of whatever material, from which an impression can be taken by means of pressure or of ink, or by any other means;

The term “bank note” includes any negotiable instrument issued by or on behalf of any person or corporation in any part of the world, or issued by the authority of any State, Prince, or Government, and intended to be used as equivalent to money, either immediately on issue or at any time afterwards: It also includes a bank bill or bank post bill.

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Further definitions.

**467.** A DOCUMENT or writing is said to be false—

- (a.) In the case of a document which is a register or record kept by lawful authority, or an entry in any such register, or which purports to be issued by lawful authority, as testifying to the contents of any register or record kept by lawful authority, or as testifying to any fact or event, if any material particular stated in the document is untrue ;
- (b.) If the whole, or some material part of the document or writing purports to be made by or on behalf of some person who did not make it, or authorise it to be made, or if, in a case when the time or place of making is material, although the document or writing is made by or by the authority of the person by whom it purports to be made, it is with a fraudulent intent falsely dated as to the time or place of making ;
- (c.) If the whole or some material part of the document or writing purports to be made by or on behalf of some person who does not, in fact, exist ; or
- (d.) If the document or writing is made in the name of an existing person, either by that person himself or by his authority, with the fraudulent intention that it should pass as being made by some person, real or fictitious, other than the person who makes it or authorises it to be made.

A seal or mark is said to be counterfeit if it is made without lawful authority, and is in such a form as to resemble a genuine seal or mark, or, in the case of a seal, in such a form as to be capable of producing impressions resembling those produced by a genuine seal.

A representation of the impression of a seal is said to be counterfeit if it is not in fact made by the seal.

The term “resemble” applied to anything, includes the case where the thing is made to resemble or is apparently intended to resemble, the object spoken of.

Definition of forgery.

**468.** A PERSON who makes a false document or writing, knowing it to be false, and with intent that it may in any way be used or acted upon as genuine, whether in Western Australia or elsewhere, to the prejudice of any person or with intent that any person may, in the belief that it is genuine, be induced to do or refrain from doing any act, whether in Western Australia or elsewhere, is said to forge the document or writing.

A person who makes a counterfeit seal or mark, or makes an impression of a counterfeit seal knowing the seal to be counterfeit.

or

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or makes a counterfeit representation of the impression of a genuine seal, or makes, without lawful authority, an impression of a genuine seal, with intent in either case that the thing so made may in any way be used or acted upon as genuine, whether in Western Australia or elsewhere, to the prejudice of any person, or with intent that any person may, in the belief that it is genuine, be induced to do or refrain from doing any act, whether in Western Australia or elsewhere, is said to forge the seal or mark.

The term "make a false document or writing" includes altering a genuine document or writing in any material part, either by erasure, obliteration, removal, or otherwise; and making any material addition to the body of a genuine document or writing; and adding to a genuine document or writing any false date, attestation, seal, or other material matter.

It is immaterial in what language a forged document or writing is expressed.

It is immaterial that the forger of anything forged may not have intended that any particular person should use or act upon it, or that any particular person should be prejudiced by it, or be induced to do or refrain from doing any act.

It is immaterial that the thing forged is incomplete, or does not purport to be a document, writing, or seal which would be binding in law for any particular purpose, if it is so made, and is of such a kind, as to indicate that it was intended to be used or acted upon.

**469.** IN the case of an offence which involves the forging or uttering of a document or writing relating to the payment of money, or to the delivery or transfer of any property, or to the creation or performance of any obligation, it is immaterial in what country the money or property is, or purports to be payable, deliverable, or transferable, or the obligation is, or purports to be, to be performed; and, if the money or the property purports to be payable, deliverable, or transferable, or the obligation purports to be an obligation to be performed in some country out of Western Australia, it is immaterial whether the document or writing is under seal or not.

Certain matters  
immaterial.

#### CHAPTER XLIX.—PUNISHMENT OF FORGERY AND LIKE OFFENCES.

**470.** ANY person who forges any document, writing, or seal is guilty of an offence which, unless otherwise stated, is a crime, and he is liable, if no other punishment is provided, to imprisonment with hard labour for three years.

Punishment of  
forgery in general.

#### PUNISHMENT

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## PUNISHMENT IN SPECIAL CASES.

## (1.) If the thing forged—

Public seals, etc.

- (a.) Purports to be, or is intended by the offender to be understood to be or to be used as, the great seal of the United Kingdom or of the Commonwealth of Australia, or of Western Australia, or His Majesty's privy seal, or any privy signet of His Majesty, or His Majesty's royal sign manual, or the seal of the Governor-General, the Governor, or any public seal lawfully appointed to be used for authenticating an act of State in any part of His Majesty's dominions; or
- (b.) Is a document having on it or affixed to it any such seal, signet, or sign manual, or anything which purports to be, or is intended by the offender to be understood to be, any such seal, signet, or sign manual;

the offender is liable to imprisonment with hard labour for life.

Securities, titles, registers, etc.

(2.) If the thing forged purports to be, or is intended by the offender to be understood to be or to be used as, any of the things following, that is to say:—

- (a.) A document which is evidence of title to any portion of the public debt of any of His Majesty's dominions or of any foreign State, or to any dividend or interest payable in respect of any such debt, or a transfer or assignment of any such document, or a receipt or certificate for any interest or money payable or accruing on or in respect of any such public debt;
- (b.) A transfer or assignment of a share in any corporation, company, or society, whether domestic or foreign, or of any share or interest in the capital stock of any such corporation, company, or society, or in the debt of any such corporation, company, or society, or a receipt or certificate for any interest or money payable or accruing on or in respect of any such share, interest, or debt;
- (c.) A document acknowledging or being evidence of the indebtedness of the Government of Western Australia or of the Government of any of His Majesty's dominions, or of any foreign Prince or State, to any person;
- (d.) A document which by the law of Western Australia or any other country is evidence of the title to any land or estate in land in Western Australia or that

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*Criminal Code.*

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that other country, or an entry in any register or book which is such evidence ;

- (e.) A document which by law is required for procuring the registration of any title to any land or estate in land ;
- (f.) A testamentary instrument, whether the testator is living or dead, or a probate or letters of administration, whether with or without a will annexed ;
- (g.) A bank note, bill of exchange, or promissory note, or an acceptance, indorsement, or assignment of either ;
- (h.) A deed, bond, or writing obligatory, or a warrant, order, or other security for the payment of money, or for the delivery or transfer of a valuable security, or for procuring or giving credit, whether negotiable or not, or an indorsement or assignment of any such document ;
- (i.) An accountable receipt, or an acknowledgment of the deposit, receipt, payment, or delivery of money or goods, or of any valuable security, or an indorsement or assignment of any such document ;
- (j.) A bill-of-lading, dock warrant, warehousekeeper's certificate, warrant or order for the delivery of goods, or any other document used in the ordinary course of business as proof of the possession or control of goods, or as authorising, or purporting to authorise either by indorsement or by delivery, the possessor of the document to transfer or receive the goods represented by the document, or an indorsement or assignment of any such document ;
- (k.) A charter-party, or a shipping document accompanying a bill-of-lading, or an indorsement or assignment of either ;
- (l.) A policy of insurance of any kind ;
- (m.) A power of attorney or other authority to execute any such document as is hereinbefore in this section mentioned ;
- (n.) The signature of a witness to any of the documents hereinbefore in this section mentioned to which attestation is by law required ;
- (o.) A register of births, baptisms, marriages, deaths, or burials, authorised or required by law to be kept or any entry in any such register ;

(p.)

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(p.) A copy of any such register or entry as last aforesaid, which is authorised or required by law to be given or sent to or by any person ;

(q.) A seal used by a registrar appointed to keep any such register as is hereinbefore mentioned, or the impression of any such seal, or the signature of any such registrar ;

the offender is liable to imprisonment with hard labour for fourteen years.

Documents relating  
to revenue and  
acts of State, etc.

(3.) If the thing forged purports to be, or is intended by the offender to be understood to be or to be used as any of the things following, that is to say :—

(a.) The signature of the Governor, or of a member of the Executive Council, or of any of His Majesty's Principal Secretaries of State, or Under Secretaries of State, upon any grant, commission, warrant, or order ;

(b.) A seal or stamp used for the purposes of the public revenue in Western Australia or of any other part of His Majesty's dominions or in any foreign State ;

(c.) A document relating to the obtaining or receiving of any money payable on account of the public service of Western Australia or any other part of His Majesty's dominions, or any other property of His Majesty in any part of His dominions, or a power of attorney or other authority to execute any such document ;

the offender is liable to imprisonment with hard labour for fourteen years.

Court seals, records  
process, evidence,  
etc.

(4.) If the thing forged purports to be, or is intended by the offender to be understood to be or to be used as, any of the things following, that is to say :—

(a.) The seal of a Court of Record in any part of His Majesty's dominions, or a seal used at the chambers of a Judge of the Supreme Court for stamping or sealing summonses or orders ;

(b.) A seal or signature by virtue whereof any document can by law be used as evidence ;

(c.) Any process of any Court of justice in any part of His Majesty's dominions ;

(d.) A document issued or made by or out of or by the authority of any such Court as last aforesaid ;

(e.)

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*Criminal Code.*

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- (e.) A document or copy of a document of any kind which document or copy is intended by the offender to be used as evidence in any such Court as last aforesaid;
- (f.) A record or other document of or belonging to a Court of Record in any part of His Majesty's dominions;
- (g.) A copy or certificate of any record of any such Court as last aforesaid;
- (h.) An instrument, whether written or printed, or partly written and partly printed, which is made evidence by any Statute in force in Western Australia;
- (i.) A document which a justice, notary public, or commissioner to administer oaths is required or authorised by law to make, attest, or issue, and purporting to be made, attested, or issued, by any such person;
- (j.) A stamp used for denoting the payment of fees or percentages in any Court of justice;
- (k.) A license or certificate required or authorised by law to be given for the celebration of a marriage;
- (l.) A consent to the marriage of a minor given by a person authorised by law to give it;
- (m.) A certificate of marriage given under the provisions of the laws relating to the solemnisation of marriage;
- (n.) A copy of the registry of a marriage;
- (o.) A power of attorney or letter of attorney;
- (p.) The signature of a witness to a power of attorney or letter of attorney;
- (q.) A contract, or a writing which with other writings constitutes a contract or is evidence of a contract;
- (r.) An authority or request for the payment of money or for the delivery of property;
- (s.) An acquittance or discharge, or a voucher of having received any property, or any document which is evidence of the receipt of any property;
- (t.) Any mark which under the authority of any Statute is impressed upon or otherwise attached to or connected with any article for the purpose of denoting the quality of the article or the fact that it has been examined or approved by or under the authority of some public body or public officer;
- (u.)

*Criminal Code.*

(u.) A certificate given under the provisions of the laws relating to quarantine ;

the offender is liable to imprisonment with hard labour for seven years.

Telegrams.

(5.) If the thing forged purports to be, or is intended by the offender to be understood to be, or to be used as, a message to be sent by telegraph, the offender is liable to the same punishment as if he had forged a document to the same effect as the telegraph.

Uttering false documents and counterfeit seals.

**471.** ANY person who knowingly and fraudulently utters a false document or writing, or a counterfeit seal, is guilty of an offence of the same kind and is liable to the same punishment as if he had forged the thing in question.

It is immaterial whether the false document or writing, or counterfeit seal, was made in Western Australia or elsewhere.

The term " fraudulently " means an intention that the thing in question shall be used or acted upon as genuine, whether in Western Australia or elsewhere, to the prejudice of some person, whether a particular person or not, or that some person, whether a particular person or not, shall, in the belief that the thing in question is genuine, be induced to do or refrain from doing some act, whether in Western Australia or elsewhere.

Uttering cancelled or exhausted documents.

**472.** ANY person who knowingly utters as and for a subsisting and effectual document any document which has by any lawful authority been ordered to be revoked, cancelled, or suspended, or the operation of which has ceased by effluxion of time or by death, or by the happening of any other event, is guilty of an offence of the same kind and is liable to the same punishment as if he had forged the document.

Uttering cancelled stamps.

**473.** ANY person who knowingly utters as and for a valid and uncanceled stamp a stamp, or an impression of a seal used for any purpose connected with the public revenue of Western Australia or of any other part of His Majesty's dominions, which has been already used, or which has been cancelled, is guilty of an offence of the same kind and is liable to the same punishment as if he had forged the stamp or seal.

Procuring execution of documents by false pretences.

**474.** ANY person who, by means of any false and fraudulent representation as to the nature, contents, or operation of a document, procures another to sign or execute the document, is guilty of an offence of the same kind and is liable to the same punishment as if he had forged the document.

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*Criminal Code.*

**475.** ANY person who, with intent to defraud—

(1.) Obliterates, adds to, or alters the crossing on a cheque ; Obliterating crossings on cheques.  
or

(2.) Knowingly utters a crossed cheque, the crossing on which has been obliterated, added to, or altered ;

is guilty of a crime, and is liable to imprisonment with hard labour for seven years.

**476.** ANY person who, with intent to defraud,—

(1.) Without lawful authority or excuse, makes, signs, or executes, for or in the name or on account of another person, whether by procuration or otherwise, any document or writing ; or Making documents without authority.

(2.) Knowingly utters any document or writing so made, signed, or executed by another person ;

is guilty of a crime, and is liable to imprisonment with hard labour for seven years.

**477.** ANY person who procures the delivery or payment to himself or any other person of any property or money by virtue of any probate or letters of administration granted upon a forged testamentary instrument, knowing the testamentary instrument to have been forged, or upon or by virtue of any probate or letters of administration obtained by false evidence, knowing the grant to have been so obtained, is guilty of an offence of the same kind and is liable to the same punishment as if he had forged the document or thing by virtue whereof he procures the delivery or payment.

Demanding property upon forged testamentary instruments.

**478.** ANY person who, without lawful authority or excuse, the proof of which lies on him, purchases or receives from any person, or has in his possession, a forged bank note, whether filled up or in blank, knowing it to be forged, is guilty of a crime, and is liable to imprisonment with hard labour for seven years.

Purchasing forged bank notes.

**479.** ANY person who knowingly signs upon a document, which purports to be a copy of a document the contents whereof have been received by telegraph under the provisions of the laws authorising the transmission by telegraph of the contents of documents requiring signature or seal, a false certificate that it has been duly received under the provisions of those laws, is guilty of an offence of the same kind, and is liable to the same punishment as if he had forged the document of which it purports to be a copy.

False certificate of message received by telegraph.

**480.** ANY person who, being employed in the Public Service, knowingly and with intent to defraud makes out or delivers to any

Falsifying warrants for money payable under public authority.



*Criminal Code.*

any person a warrant for the payment of any money payable by public authority for a greater or less amount than that to which the person on whose behalf the warrant is made out is entitled, is guilty of a crime, and is liable to imprisonment with hard labour for seven years.

Falsification of registers.

**481.** ANY person who, having the actual custody of any register or record kept by lawful authority, knowingly permits any entry which, in any material particular, is to his knowledge false, to be made in the register or record is guilty of a crime, and is liable to imprisonment with hard labour for seven years.

The offender cannot be arrested without warrant.

Sending false certificate of marriage to registrar.

**482.** ANY person who signs or transmits to a person authorised by law to register marriages a certificate of marriage, or any document purporting to be a certificate of marriage, which, in any material particular, is to his knowledge false, is guilty of a crime, and is liable to imprisonment with hard labour for seven years.

False statements for the purpose of registers of births, deaths, and marriages.

**483.** ANY person who, knowingly and with intent to procure the same to be inserted in a register of births, deaths, or marriages, makes any false statement touching any matter required by law to be registered in any such register, is guilty of a misdemeanour, and is liable to imprisonment with hard labour for two years, and to a fine of Two hundred pounds.

483a  
see 31 of 1906 X  
Attempts to procure unauthorised status.

**484.** ANY person who—

- (1.) By any false representation procures any authority authorised by any Statute to issue certificates testifying that the holders thereof are entitled to any right or privilege, or to enjoy any rank or status, to issue to himself or any other person any such certificate ; or
- (2.) Falsely represents to any person that he has obtained any certificate issued by any such authority ; or
- (3.) By any false representation procures himself or any other person to be registered on any register kept by lawful authority as a person entitled to such a certificate, or as a person entitled to any right or privilege, or to enjoy any rank or status ;
- (4.) Falsely advertises or publishes himself as having obtained any such certificate, or as having been so registered ;

is guilty of a misdemeanour, and is liable to imprisonment with hard labour for three years.

485.

*Criminal Code.*

**485.** ANY person who knowingly, and with intent to deceive or defraud, or to enable another person to deceive or defraud, utters to any person a document which purports to be a copy of the memorandum or articles of association or other constitution of a corporation or joint stock company, or of the rules or by-laws of any corporation or society constituted under the authority of any Statute, but is not a true copy thereof, or a document which purports to be a list of the members of any such corporation, company, or society, but is not a true list of such members, is guilty of a misdemeanour, and is liable to imprisonment with hard labour for three years.

*Circulating false copies of rules or lists of members of societies or companies.*

CHAPTER L.—FORGERY AND LIKE OFFENCES PUNISHABLE  
ON SUMMARY CONVICTION.

**486.** ANY person who—

- (1.) Forges any document purporting to be, or intended by the offender to be understood to be, or to be used as a document required to be obtained or used under the provisions of the laws relating to the engagement or discharge of seamen, or the laws relating to the regulation of factories and shops ; or
- (2.) Utters any document which is required to be obtained or used under the provisions of these laws, and which has been issued to another person, and falsely represents himself to be the person named in the document ;

*Forgery of seaman's tickets.*

is guilty of an offence, and is liable, on summary conviction, to imprisonment with hard labour for one year, or to a fine of Fifty pounds.

**487.** ANY person who—

- (1.) Fraudulently, and with intent that the stamp may be used again, removes an adhesive stamp, or causes an adhesive stamp to be removed, from any document ; or
- (2.) Fraudulently, and with intent that the stamp may be used again, affixes an adhesive stamp which has been removed from any document to another document ; or
- (3.) Knowingly utters an adhesive stamp which has been fraudulently, and with intent that it may be used again, removed from any document ; or
- (4.) Knowingly utters any document which has on it an adhesive stamp that has been fraudulently, and with intent that it may be used again, removed from another document ;

*Fraudulent use of adhesive stamps.*

is guilty of an offence, and is liable, on summary conviction, to a fine of Fifty pounds.

488.

*Criminal Code.*

False warranties  
or labels relating to  
the sale of food.

**488.** ANY person who—

- (1.) Knowingly gives to a purchaser a false warranty in writing with respect to an article of food or a drug sold by him, whether as principal or agent ; or
- (2.) Knowingly gives with any article of food or drug sold by him a label which falsely describes the article or drug sold ; or
- (3.) In any proceedings under the laws relating to the sale of food and drugs knowingly applies to an article of food or a drug a certificate or warranty given with respect to another article or drug ;

is guilty of an offence, and is liable on summary conviction to a fine of Twenty pounds.

Provisions of this  
chapter alternative.

**489.** THE provisions of this chapter are alternative and without prejudice to any other provisions of this Code relating to the same matters, but so that an offender cannot be twice convicted for the same act.

## CHAPTER LI.—PREPARATION FOR FORGERY.

Instruments and  
materials for  
forgery.

**490.** ANY person who, without lawful authority or excuse, the proof of which lies on him,—

- (1.) Makes, or begins or prepares to make, or uses, or knowingly has in his possession or disposes of any paper resembling any paper such as is specially provided by the proper authority for the purpose of being used for making any of the things following, that is to say :—
  - (a.) Any document acknowledging or being evidence of the indebtedness of the Government of Western Australia, or of the Government of any of His Majesty's dominions, or of any foreign Prince or State, or of any person carrying on the business of banking, to any person ; or
  - (b.) Any stamp, license, permit, or other document used for the purposes of the public revenue of Western Australia, or of any other part of His Majesty's dominions ; or
  - (c.) Any bank note ; or any machinery or instrument or material for making any such paper, or capable of producing in or on paper any words, figures, letters, marks, or lines, resembling any words, figures, letters, marks, or lines, used in or on any paper specially provided for any such purpose ; or

(2.)

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*Criminal Code.*

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- (2.) Impresses or makes upon any plate or material any words, figures, letters, marks, or lines, the print whereof resembles, in whole or part, the words, figures, letters, marks, or lines, used in any such document as aforesaid ; or
- (3.) Uses, or knowingly has in his possession, or disposes of any plate or material upon which any such words, figures, letters, marks, or lines, are impressed or made ; or
- (4.) Uses, or knowingly has in his possession or disposes of any paper on which is written or printed the whole or any part of the usual contents of any such document as aforesaid ;

is guilty of a crime, and is liable to imprisonment with hard labour for fourteen years.

**491.** ANY person who, without lawful authority or excuse, the proof of which lies on him,— Counterfeit stamps.

- (1.) Makes or mends, or begins or prepares to make or mend, or uses, or knowingly has in his possession or disposes of, any die, plate, or instrument, capable of making an impression resembling that made by any die, plate, or instrument used for the purpose of making any stamp, whether impressed or adhesive, which is used for the purposes of the public revenue in Western Australia or any other part of His Majesty's dominions or in any foreign State, or capable of producing in or on paper any words, figures, letters, marks, or lines, resembling any words, figures, letters, marks, or lines, used in or on any paper specially provided by the proper authority for any such purpose ; or
- (2.) Knowingly has in his possession or disposes of any paper or other material which has on it the impression of any such die, plate, or instrument, or any paper which has on it or in it any such words, figures, letters, marks, or lines, as aforesaid ; or
- (3.) Fraudulently, and with intent that use may be made of any such stamp as aforesaid, or of any part of it, removes the stamp from any material in any way whatever ; or
- (4.) Fraudulently, and with intent that use may be made of any part of any such stamp, mutilates the stamp ; or
- (5.) Fraudulently fixes or places upon any material, or upon any such stamp, any stamp or part of a stamp which has been in any way removed from any other material or out of or from any other stamp ; or

(6.)

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- (6.) Fraudulently, and with intent that use may be made of any such stamp which has been already impressed upon or attached to any material, erases or otherwise removes, either really or apparently, from such material anything whatever written on it ; or
- (7.) Knowingly has in his possession or disposes of anything obtained or prepared by any such unlawful act as aforesaid ;

is guilty of a crime and is liable to imprisonment with hard labour for fourteen years.

CHAPTER LII.—COUNTERFEITING TRADE MARKS AND TRADE DESCRIPTIONS.

Offences as to trade marks and trade descriptions.

**492.** (1.) ANY person who—

- (a.) Forges any trade mark ; or
- (b.) Falsely applies to goods any trade mark or any mark so nearly resembling a trade mark as to be calculated to deceive ; or
- (c.) Makes any die, block, machine, or other instrument for the purpose of forging, or of being used for forging, a trade mark ; or
- (d.) Applies any false trade description to goods ; or
- (e.) Disposes of or has in his possession any die, block, machine, or other instrument for the purpose of forging a trade mark ; or
- (f.) Causes any of the things above mentioned to be done,

unless he proves that he acted without intent to defraud, is guilty of an offence.

(2.) Any person who sells, or exposes for, or has in his possession for sale, or any purpose of trade or manufacture any goods or things to which any forged trade mark or false trade description is applied, or to which any trade mark or mark so nearly resembling a trade mark as to be calculated to deceive is falsely applied, as the case may be, is guilty of an offence, unless he proves—

- (a.) That having taken all reasonable precautions against committing an offence, he had at the time of the commission of the alleged offence no reason to suspect the genuineness of the trade mark, mark, or trade description ; and
- (b.) That on demand made by or on behalf of the prosecutor, he gave all the information in his power with

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with respect to the persons from whom he obtained such goods or things; or

(c.) That otherwise he had acted innocently.

(3.) Any person guilty of an offence under this chapter is liable—

(i.) On conviction on indictment to imprisonment with hard labour for two years, or to fine at the discretion of the Court, or to both imprisonment and fine; or

(ii.) On summary conviction to imprisonment with hard labour for four months, or to a fine of Twenty pounds, and in the case of a second or subsequent conviction to imprisonment with hard labour for six months, or to a fine of Fifty pounds; and

(iii.) In any case to forfeit to His Majesty every chattel, article, instrument, or thing by means of or in relation to which the offence has been committed.

(4.) The Court, before whom any person is convicted under this section may order any forfeited articles to be destroyed or otherwise disposed of as the Court thinks fit.

(5.) Any person charged with an offence under this section before a Court of summary jurisdiction, on appearing before the Court, and before the charge is gone into, must be informed of his right to be tried on indictment, and if he requires, be so tried accordingly.

**493.** (1.) FOR the purposes of this chapter—

**Definitions.**

The term “trade mark” includes any word or mark of any kind whatever which is lawfully used by any person to denote that any article is of his manufacture, workmanship, production, or merchandise, or is a thing of a peculiar or particular description made or sold by him.

The term “trade description” means any description, statement, or other indication direct or indirect:

- (a.) As to the number, quantity, measure, gauge, or weight of any goods, or
- (b.) As to the place or country in which any goods were made or produced, or
- (c.) As to the mode of manufacturing or producing any goods, or
- (d.) As to the material of which any goods are composed, or

(e.)

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*Amended  
by 31 of 1906*

(e.) As to any goods being the subject of an existing patent, privilege, or ~~copyright~~: *copyright* and the use of any figure, word, or mark which, according to the custom of the trade, is commonly taken to be an indication of any of the above matters, is deemed to be a "trade description."

The term "false trade description" means a trade description which is false in a material respect as regards the goods to which it is applied, and includes every alteration of a trade description, whether by way of addition, effacement, or otherwise, where that alteration makes the description false in a material respect, and the fact that a trade description is a trade mark, or part of a trade mark, does prevent such trade description being a false trade description.

The term "goods" means anything which is the subject of trade, manufacture, or merchandise.

The term "person," "manufacturer," "dealer" or "trader," and "proprietor," include any body of persons corporate or unincorporate.

The term "name" includes any abbreviation of name.

(2.) The provisions of this chapter respecting the application of a false trade description to goods extend to the application to goods of any such figures, words, or marks, or arrangement or combination thereof, whether including a trade mark or not, as are reasonably calculated to lead persons to believe that the goods are the manufacture or merchandise of some person other than the person whose manufacture or merchandise they really are.

(3.) The provisions of this chapter respecting the application of a false trade description to goods, or respecting goods to which a false trade description is applied, extend to the application to goods of any false name or initials of a person, and to goods with the false name or initials of a person applied, in like manner as if such name or initials were a trade description, and for the purpose of this chapter the term "false name or initials" means, as applied to any goods, any name or initials of a person which—

- (a.) Are not a trade mark, or part of a trade mark, and
- (b.) Are identical with, or a colourable imitation of the name or initials of a person carrying on business in connection with goods of the same description, and not having authorised the use of such name or initials, and
- (c.) Are either those of a fictitious person or of some person not *bonâ fide* carrying on business in connection with such goods.

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**494.** A PERSON is deemed to forge a trade mark who either— Forging trade mark.

- (a.) Without the assent of the proprietor of the trade mark makes that trade mark or a mark so nearly resembling that trade mark so as to be calculated to deceive; or
- (b.) Falsifies any genuine trade mark, whether by alteration, addition, effacement, or otherwise;

and any trade mark or mark so made or falsified is in this chapter referred to as a forged trade mark.

In any prosecution for forging a trade mark the burden of proving the assent of the proprietor lies on the defendant.

**495.** (1.) A PERSON is deemed to apply a trade mark or mark or trade description to goods who— Applying marks and descriptions.

- (a.) Applies it to the goods themselves; or
- (b.) Applies it to any covering, label, reel, or other thing in or with which the goods are sold or exposed or had in possession for any purpose of sale, trade, or manufacture; or
- (c.) Places, encloses, or annexes any goods which are sold or exposed or had in possession for any purpose of sale, trade, or manufacture, in, with, or to any covering, label, reel, or other thing to which a trade mark or trade description has been applied;
- (d.) Uses a trade mark or mark or trade description in any manner calculated to lead to the belief that the goods in connection with which it is used are designated or described by that trade mark or mark or trade description.

(2.) The expression "covering" includes any stopper, case, bottle, vessel, box, cover, capsule, case, frame, or wrapper; and the expression "label" includes any band or ticket.

A trade mark or mark, or trade description, is deemed to be applied whether it is woven, impressed, or otherwise worked into, or annexed or affixed to the goods, or to any covering, label, reel, or other thing.

(3.) A person is deemed to falsely apply to goods a trade mark or mark who without the assent of the proprietor of a trade mark applies such trade mark, or a mark so nearly resembling it as to be calculated to deceive.

In any prosecution for falsely applying a trade mark or mark to goods, the burden of proving the assent of the proprietor lies on the defendant.

496.



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Exemption of  
certain persons  
employed in  
ordinary course of  
business.

**496.** WHERE any person is charged with making any die, block, machine, or other instrument for the purpose of forging, or being used for forging, a trade mark, or with falsely applying to goods any trade mark or any mark so nearly resembling a trade mark as to be calculated to deceive, or with applying to goods any false trade description, or causing any of the things in this section above-mentioned to be done, and proves:

- (a.) That in the ordinary course of his business he is employed, on behalf of other persons, to make dies, blocks, machines, or other instruments for making, or being used in making, trade marks, or as the case may be, to apply marks or descriptions to goods, and that in the case which is the subject of the charge he was so employed by some person resident in the State, and was not interested in the goods by way of profit or commission, dependent on the sale of such goods; and
- (b.) That he took reasonable precautions against committing the offence charged; and
- (c.) That he had, at the time of the commission of the alleged offence, no reason to suspect the genuineness of the trade mark, mark, or trade description; and
- (d.) That he gave to the prosecutor all the information in his power with respect to the persons on whose behalf the trade mark, mark, or trade description was applied;

he must be discharged from the prosecution, but is liable to pay the costs incurred by the prosecutor, unless he has given due notice to him that he will rely on the above defence.

Application to  
watches.

**497.** WHERE a watch case has thereon any words or marks which constitute, or are by common repute considered as constituting, a description of the country in which the watch was made, and the watch bears no description of the country where it was made, those words or marks *prima facie* are deemed to be a description of that country within the meaning of this chapter, and the provisions of this chapter, with respect to goods to which a false trade description has been applied, and with respect to selling or exposing for or having in possession for sale, or any purpose of trade or manufacture, goods with a false trade description, apply accordingly, and for the purpose of this section the term "watch" means all that portion of a watch which is not the watch case.

Trade mark how  
described.

**498.** IN any information, indictment, or other document, in which any trade mark or forged trade mark is intended to be mentioned,

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tioned, it is sufficient, without further description, and without any copy or *fac simile*, to state such trade mark or forged trade mark to be a trade mark or forged trade mark.

**499.** IN any prosecution for an offence under this chapter, in the case of imported goods, evidence of the port of shipment is *prima facie* evidence of the place or country in which the goods were made or produced.

Rule as to evidence.

**500.** (1.) WHEN, upon information of an offence under this chapter, a justice issues either a summons requiring the defendant charged by such information to appear to answer to the same, or a warrant for the arrest of such defendant, and either the said justice on or after issuing such summons or warrant, or any other justice, is satisfied by information on oath that there is reasonable cause to suspect that any goods or things by means of or in relation to which such offence has been committed are in any house or premises of the defendant, or otherwise in his possession or under his control in any place, such justice may issue a warrant under his hand by virtue of which it shall be lawful for any constable named or referred to in the warrant to enter such house, premises, or place at any reasonable time by day, and to search there for and seize and take away those goods or things; and any goods or things seized under any such warrant must be brought before a Court of summary jurisdiction for the purpose of its being determined whether the same are or are not liable to forfeiture under this chapter.

Search Warrant.

(2.) If the owner of any goods or things which, if the owner thereof had been convicted, would be liable to forfeiture under this chapter, is unknown or cannot be found, an information may be laid for the purpose only of enforcing such forfeiture, and a Court of summary jurisdiction may cause notice to be advertised stating that, unless cause is shown to the contrary at the time and place named in the notice, such goods or things will be forfeited, and at such time and place the Court, unless the owner or any person on his behalf, or other person interested in the goods or things, shows cause to the contrary, may order such goods or things or any of them to be forfeited.

(3.) Any goods or things forfeited under this section, or under any other provision of this chapter, may be destroyed or otherwise disposed of in such manner as the Court by which the same are forfeited may direct, and the Court may, out of any proceeds which may be realised by the disposition of such goods (all trade marks and trade prescriptions being first obliterated) award to any innocent person any loss he may have innocently sustained in dealing with such goods.

501.

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Costs of defence or prosecution.

*amended by 31 of 1906 by the*  
**501.** ON any prosecution under this chapter the Court may order costs to be paid to the defendant by the prosecutor or to the defendant, having regard to the information given by and the conduct of the defendant and prosecutor respectively.

Limitation of prosecution.

**502.** NO prosecution for an offence under this chapter may be commenced after the expiration of three years next after the commission of the offence, or one year next after the first discovery thereof by the prosecutor, whichever expiration first happens.

Provisions of this chapter as to false description not to apply in certain cases.

**503.** WHERE, on the twenty-sixth day of November, one thousand eight hundred and eighty-eight, a trade description was lawfully and generally applied to goods of a particular class, or manufactured by a particular method, to indicate the particular class or method of manufacture of such goods, the provisions of this chapter with respect to false trade descriptions do not apply to such trade description: Provided that where such trade description includes the name of a place or country, and is calculated to mislead as to the place or country where the goods to which it is applied were actually made or produced, and the goods are not actually made or produced in that place or country, the provisions of this chapter do not apply unless there is added to the trade description, immediately before or after the name of that place or country, in an equally conspicuous manner with that name, the name of the place or country in which the goods were actually made or produced, with a statement that they were made or produced there.

Savings.

**504.** (1.) NOTHING in this chapter exempts any person from any action, suit, or other proceeding which might, but for the provisions of this chapter, be brought against him.

(2.) Nothing in this chapter entitles any person to refuse to make a complete discovery, or to answer any question or interrogatory in any action, but such discovery or answer shall not be admissible in evidence against such person in any prosecution for an offence under this chapter.

(3.) Nothing in this chapter may be construed so as to render liable to any prosecution or punishment any servant of a master resident in the State who *bona fide* acts in obedience to the instructions of such master, and, on demand made by or on behalf of the prosecutor, gives full information as to his master.

False representation as to Royal Warrant, etc.

**505.** ANY person who falsely represents that any goods are made by a person holding a Royal Warrant, or made for the service of His Majesty, or made for any of the Royal Family, or made for any Government Department either in the United Kingdom or in  
any

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any of His Majesty's possessions, is liable, on summary conviction, to a fine of Twenty pounds.

## CHAPTER LIII.—PERSONATION.

**506.** ANY person who, with intent to defraud any person, falsely represents himself to be some other person living or dead, is guilty of an offence which, unless otherwise stated, is a misdemeanour; and he is liable to imprisonment with hard labour for three years.

Personation in general.

If the representation is that the offender is a person entitled by will or operation of law, to any specific property, and he commits the offence with intent to obtain such property, or possession thereof, he is guilty of a crime, and is liable to imprisonment with hard labour for fourteen years.

**507.** ANY person who falsely and deceitfully personates any owner of any share or interest in any company, or of any share certificate or coupon issued under any Act relating to companies, and thereby obtains, or endeavours to obtain any such share or interest, or share certificate or coupon or receives or endeavours to receive any money due to any such owner, as if the offender were the true and lawful owner, is guilty of a crime, and is liable to imprisonment with hard labour for life.

Personation of owner of shares.

**508.** ANY person who, without lawful authority or excuse, the proof of which lies on him, makes, in the name of any other person, before any Court or person lawfully authorised to take such an acknowledgment of liability of any kind, or an acknowledgment of a deed or other instrument, is guilty of a crime, and is liable to imprisonment with hard labour for seven years.

Falsely acknowledging deeds, recognisances, etc.

**509.** ANY person who utters any document which has been issued by lawful authority to another person, and whereby that other person is certified to be a person possessed of any qualification recognised by law for any purpose, or to be the holder of any office, or to be entitled to exercise any profession, trade, or business, or to be entitled to any right or privilege, or to enjoy any rank or status, and falsely represents himself to be the person named in the document, is guilty of an offence of the same kind, and is liable to the same punishment as if he had forged the document.

Personation of a person named in a certificate.

**510.** ANY person who, being a person to whom any document has been issued by lawful authority, whereby he is certified to be a person possessed of any qualification recognised by law for any purpose, or to be the holder of any office, or to be entitled to exercise any profession, trade, or business, or to be entitled to any right or privilege,

Lending certificate for personation.

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privilege, or to enjoy any rank or status, lends the document to another person with intent that that other may represent himself to be the person named therein, is guilty of a misdemeanour, and is liable to imprisonment with hard labour for three years.

*Division IV.—Offences connected with Trade and Breach of Contract.*

CHAPTER LIV.—FRAUDULENT DEBTORS.

Definition.

511. IN this chapter the term “a bankrupt” means a person with respect to whom any proceedings have been taken under the provisions of the laws relating to bankrupt debtors which result in his affairs being administered under the provisions of those laws for the benefit of his creditors.

Such a person is deemed to have been a bankrupt from the time when the proceedings were taken, whether that result had or had not happened when the unlawful act in question was done.

512. ANY person who—

Absconding with property in contemplation of or immediately after bankruptcy.

(1.) Being a bankrupt, departs from Western Australia and takes with him, or attempts or prepares to depart from Western Australia and to take with him any part of his property to the amount of Twenty pounds, which ought by law to be divided amongst his creditors; or

(2.) Departs from Western Australia and takes with him, or attempts or prepares to depart from Western Australia, and to take with him any part of his property to the amount of Twenty pounds, which ought by law, in the event of his becoming insolvent, to be divided among his creditors, and within four months afterwards becomes a bankrupt;

is guilty of a crime, and is liable to imprisonment with hard labour for two years.

It is a defence to a charge of any of the offences defined in this section to prove that the accused person had no intent to defraud.

Frauds by bankrupts.

513. ANY person who—

(1.) Being a bankrupt—

(a.) Fraudulently removes any part of his property to the value of Ten pounds or upwards; or

(b.) Fraudulently parts with, alters, or makes any omission in, or is privy to fraudulently parting with, altering, or making any omission in, any document

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document affecting or relating to his property or affairs ; or

- (2.) Does any such act as aforesaid, and within four months afterwards becomes a bankrupt ; or
- (3.) Being a bankrupt, attempts to account for any part of his property by alleging fictitious losses or expenses ; or
- (4.) Attempts, at a meeting of his creditors, to account for any part of his property by fictitious losses or expenses, and within four months afterwards becomes a bankrupt ; or
- (5.) By any false representation or other fraud obtains any property on credit and does not pay for the same, and within four months afterwards becomes a bankrupt ;

is guilty of a misdemeanour, and is liable to imprisonment with hard labour for two years.

**514.** ANY person who—

- (1.) Being a bankrupt—

Other frauds by bankrupts.

- (a.) Conceals any part of his property to the amount of Ten pounds or ;

- (b.) Conceals any debt due to or from him ; or

- (2.) Does any of the following acts, that is to say—

- (a.) Conceals any part of his property to the amount of Ten pounds ; or

- (b.) Conceals any debt due to or from him ; or

- (c.) Obtains any property on credit under the false pretence of carrying on business and dealing in the ordinary way of trade, and does not pay for the same ; or

- (d.) Pawns, pledges, or disposes of, otherwise than in the ordinary way of trade, any property which he has obtained on credit and has not paid for ; and within four months afterwards becomes a bankrupt ;

is guilty of a misdemeanour, and is liable to imprisonment with hard labour for two years.

It is a defence to a charge of any of the offences defined in this section to prove that the accused person had no intent to defraud.

**515.** ANY person who—

- (1.) Being a bankrupt—

Falsification of books by bankrupts.

- (a.) Conceals, destroys, alters, mutilates, or falsifies, any book, document, valuable security, or account

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account relating to his property or affairs, or any entry in any such book, document, or account, or is privy to any such act ; or

(b.) Makes or is privy to making any false entry in any such book, document, or account ; or

(2.) Does or is privy to any such act as aforesaid, and within four months afterwards becomes a bankrupt ;

is guilty of a misdemeanour, and is liable to imprisonment with hard labour for two years.

It is a defence to a charge of any of the offences defined in this section to prove that the accused person had no intent to conceal the state of his affairs or to defraud.

Frauds by bankrupts in course of bankruptcy proceedings.

**516.** ANY person whose affairs are in course of administration under the provisions of the laws relating to bankrupt debtors who—

(1.) Knowing or believing that a false debt has been proved by any person in the course of such administration, fails for the period of a month to give information thereof to the trustee of his property ; or

(2.) Makes any false representation or commits any other fraud for the purpose of obtaining the consent of his creditors or any of them to any agreement with reference to his affairs or to any proceedings taken under or by virtue of such administration ;

is guilty of a misdemeanour, and is liable to imprisonment with hard labour for two years.

Failure by bankrupts to discover property.

**517.** ANY person whose affairs are in course of administration under the provisions of the laws relating to bankrupt debtors who—

(1.) Fails to fully and truly discover to the trustee of his property, to the best of his knowledge and belief, all his property, real and personal, and how, and to whom, and for what consideration, and when, he disposed of every part thereof, except such part as has been disposed of in the ordinary way of his trade, if any, or laid out in the ordinary expense of his family ; or

(2.) Fails to deliver to the trustee, or as he directs, any part of his real and personal property which is in his custody or under his control, and which he is required by law to deliver ; or

(3.) Fails to deliver to the trustee, or as he directs, any book, document, paper, or writing, which is in his custody or under his control, and which relates to his property or affairs ; or

(4.)

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- (4.) Omits or is privy to omitting any material particular from any statement relating to his affairs ;

is guilty of a misdemeanour, and is liable to imprisonment with hard labour for two years.

It is a defence to a charge of any of the offences defined in this section to prove that the accused person had no intent to conceal the state of his affairs or to defraud.

**518.** ANY person who omits to keep proper books of account showing the true state of his affairs, and who, within three years, afterwards becomes a bankrupt, is guilty of a misdemeanour, and is liable to imprisonment with hard labour for two years.

Failure to keep proper books.

It is a defence to a charge of the offence defined in this section to prove that the accused person had no intention to conceal the state of his affairs, or to defraud.

**519.** ANY person who, being a bankrupt, prevents the production of any book, document, paper, or writing, affecting or relating to his property or affairs, is guilty of a misdemeanour, and is liable to imprisonment with hard labour for two years.

Concealing documents.

It is a defence to a charge of the offence defined in this section to prove that the accused person had no intent to conceal the state of his affairs or to defraud.

**520.** ANY person who, with intent to defraud the creditors of a bankrupt, receives any property from the bankrupt, or fails to deliver to the trustee of the property of the bankrupt any property which forms part of the estate of the bankrupt, is guilty of a misdemeanour, and is liable to imprisonment with hard labour for two years.

Receiving bankrupt's property with intent to defraud.

**521.** ANY person who—

- (1.) Being a creditor of a bankrupt, or being a creditor of a debtor who has taken proceedings for a composition with his creditors under the provisions of the laws relating to bankrupt debtors, makes in the bankruptcy, or in the proceedings for a composition, with intent to defraud, a proof or declaration of debt or statement of account, which, in any material particular, is to his knowledge false ; or
- (2.) Not being a creditor of a bankrupt, or of a person who has taken any such proceedings, makes in the bankruptcy, or in the proceedings for a composition, with intent to defraud, a proof or declaration of debt ;

Making false claim in bankruptcy.

is guilty of a misdemeanour, and is liable to imprisonment with hard labour for one year.

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Concealing property  
of bankrupts.

**522.** ANY person who conceals any part of the property of a bankrupt, and does not, within forty-two days after the appointment of a trustee of the property of the bankrupt, discover such property to the trustee, or to the Registrar of the Supreme Court, is guilty of an offence, and is liable, on summary conviction, to imprisonment with hard labour for six months.

Fraudulent dealing  
with property by  
debtors.

**523.** ANY person who, with intent to defraud his creditors or any of them, —

- (1.) Makes any gift, delivery, or transfer of his property, or any charge on his property ; or
- (2.) Conceals or removes any part of his property after or within two months before the date of any unsatisfied judgment or order for payment of money obtained against him ;

is guilty of a misdemeanour, and is liable to imprisonment with hard labour for one year.

Undischarged  
bankrupt obtaining  
credit to extent of  
£20.

**524.** ANY person who, being an undischarged bankrupt, obtains credit to the extent of Twenty pounds or upwards from any person without informing such person that he is an undischarged bankrupt, is guilty of a misdemeanour, and is liable to imprisonment with hard labour for two years.

#### CHAPTER LV.—OTHER OFFENCES.

Concealment by  
officers of companies  
on reduction of  
capital.

**525.** ANY person who, being a director or officer of a joint stock company, the capital of which is proposed to be reduced, —

- (1.) Conceals the name of any creditor of the company who is entitled to object to the proposed reduction ; or
- (2.) Knowingly misrepresents the nature or amount of the debt or claim of any creditor of the company ; or
- (3.) Is privy to any such concealment or misrepresentation as aforesaid ;

is guilty of a misdemeanour, and is liable to imprisonment with hard labour for three years.

Falsification of  
books of companies.

**526.** ANY person who, being a director, officer, or contributory of a company which is in course of being wound up, under the provisions of the laws relating to joint stock companies, does any of the following acts with intent to deceive or defraud, or to make another person to deceive or defraud, that is to say :—

- (1.) Conceals, destroys, alters, mutilates, or falsifies any book, document, valuable security, or account relating to the affairs of the company, or any entry in any such book, document, or account, or is privy to any such act ; or
- ( 2 )

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(2.) Makes or is privy to making any false entry in any book, document, or account, belonging to the company ;  
is guilty of a misdemeanour, and is liable to imprisonment with hard labour for two years.

**527.** WHEN a mark has been attached to any article, or a certificate has been given with respect to any article, under the authority of any Statute, for the purpose of denoting the quality of the article, or the fact that it has been examined or approved by or under the authority of some public body or public officer, any person who mixes with the article so marked or certified any other article which has not been so examined or approved, is guilty of a misdemeanour, and is liable to imprisonment with hard labour for three years.

Mixing uncertified  
with certified  
articles.

**528.** ANY person who, with a view to compel any other person to abstain from doing or to do, any act which such other person has a legal right to do or abstain from doing, wrongfully and without legal authority:—

Intimidation or  
annoyance by  
violence or other-  
wise.

- (1.) Uses violence to, or threatens with violence, such other person, or his wife or children, or injures his property, real or personal ; or
- (2.) Persistently follows such other person from place to place ; or
- (3.) Hides any tools, clothes, or other property owned or used by such other person, or deprives him of or hinders him in the use thereof ; or
- (4.) Watches or besets the house or other place where such person resides, or works, or carries on his business, or happens to be, or the approach to such house or place ; or
- (5.) Follows such other person with two or more other persons in a disorderly manner in or through any street or road ;

is guilty of an offence, and is liable on summary conviction, or on indictment as hereinafter mentioned, to imprisonment with hard labour for three months, or to a fine of Twenty pounds.

Attending at or near the house or place where a person resides, or carries on business, or happens to be, or the approach to such house, or place, in order merely to obtain or communicate information, is not watching or besetting within the meaning of the section.

**529.** ANY person charged before a Court of summary jurisdiction under the last preceding section may, on appearing before such

Person accused be-  
fore Court of sum-  
mary jurisdiction  
may elect to be  
tried on indictment

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such Court, declare that he objects to being tried for such offence by a Court of summary jurisdiction, and thereupon the Court may deal with the case in all respects as if the accused were charged with an indictable offence, and not with an offence punishable on summary conviction, and the offence may be prosecuted by indictment accordingly.

PART VII.—PREPARATION TO COMMIT OFFENCES:  
CONSPIRACY: ACCESSORIES AFTER THE FACT.

CHAPTER LVI.—ATTEMPTS AND PREPARATION TO  
COMMIT OFFENCES.

Attempts to com-  
mit offences.

**530.** ANY person who attempts to commit any indictable offence is guilty of an indictable offence, which, unless otherwise stated, is a misdemeanour.

When a person who commits an indictable offence is punishable on summary conviction, a person who attempts to commit such an offence may also be summarily convicted.

Punishment of  
attempts to commit  
crimes.

**531.** ANY person who attempts to commit a crime of such a kind that a person convicted of it is liable to the punishment of death or of imprisonment with hard labour for a term of fourteen years or upwards, with or without any other punishment, is liable, if no other punishment is provided, to imprisonment with hard labour for seven years.

Any person who attempts to commit a crime of any other kind is liable, if no other punishment is provided, to a punishment equal to one-half of the greatest punishment to which an offender convicted of the crime which he attempted to commit is liable.

Punishment of  
attempts to commit  
misdemeanours.

**532.** ANY person who attempts to commit a misdemeanour is liable, if no other punishment is provided, to a punishment equal to one-half of the greatest punishment to which an offender convicted of the offence which he attempted to commit is liable.

Reduction of  
punishment.

**533.** WHEN a person is convicted of attempting to commit an offence, if it is proved that he desisted of his own motion from the further prosecution of his intention, without its fulfilment being prevented by circumstances independent of his will, he is liable to one-half only of the punishment to which he would otherwise be liable. If that punishment is imprisonment with hard labour for life, the greatest punishment to which he is liable is imprisonment with hard labour for seven years.

Attempts to procure  
commission of  
criminal acts.

**534.** ANY person who attempts to procure another to do any act or make any omission, whether in Western Australia or elsewhere,

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where, of such a nature that, if the act were done or the omission were made, an offence would thereby be committed under the laws of Western Australia, or the laws in force in the place where the act or omission is proposed to be done or made, whether by himself or by that other person, is guilty of an offence of the same kind, and is liable to the same punishment as if he had himself attempted to do the same act or make the same omission in Western Australia

Provided that if the act or omission is proposed to be done or made at a place not in Western Australia, the punishment cannot exceed that which he would have incurred under the laws in force where the act or omission was proposed to be done or made, if he had himself attempted to do the proposed act or make the proposed omission.

Provided also, that in the last-mentioned case, a prosecution cannot be instituted except at the request of the Government of the State having jurisdiction in the place where the act or omission was proposed to be done or made.

**535.** ANY person who makes, or knowingly has in his possession or under his control, any explosive substance under such circumstances as to give rise to a reasonable suspicion that he is not making it, or does not have it in his possession or under his control for a lawful object, unless he can show that he made it, or had it in his possession or under his control for a lawful purpose, is guilty of a crime, and is liable to imprisonment with hard labour for fourteen years, and forfeiture of the explosive substance.

Making or possession of explosives under suspicious circumstances.

In this section "explosive substance" includes any materials for making any explosive substance; also any apparatus, machine, implement, or materials used or intended to be used or adapted for causing or aiding in causing any explosion in or with any explosive substance; also any part of any such apparatus, machine, or implement.

For all purposes of and incidental to arrest, trial, and punishment, a crime for which a person is liable to be punished under this section when committed out of Western Australia, is deemed to have been committed in the place in which such person is apprehended or is in custody.

## CHAPTER LVII.—CONSPIRACY.

**536.** ANY person who conspires with another to commit any crime, or to do any act in any part of the world which, if done in Western Australia, would be a crime, and which is an offence under the laws in force in the place where it is proposed to be done, is guilty of a crime, and is liable, if no other punishment is provided, to imprisonment with hard labour for seven years; or, if the greatest punishment

Conspiracy to commit crime

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punishment to which a person convicted of the crime in question is liable, is less than imprisonment with hard labour for seven years, then to such lesser punishment.

Conspiracy to  
commit other  
offences.

**537.** ANY person who conspires with another to commit any offence which is not a crime, or to do any act in any part of the world which, if done in Western Australia, would be an offence, but not a crime, and which is an offence under the laws in force in the place where it is proposed to be done, is guilty of a misdemeanour, and is liable to imprisonment with hard labour for three years.

Other conspiracies.

**538.** ANY person who conspires with another to effect any of the purposes following, that is to say:—

- (1.) To prevent or defeat the execution or enforcement of any Statute law ;
  - (2.) To cause any injury to the person or reputation of any person or to depreciate the value of any property of any person ; or
  - (3.) To prevent or obstruct the free and lawful disposition of any property by the owner thereof for its fair value ; or
  - (4.) To injure any person in his trade or profession ; or
  - (5.) To prevent or obstruct, by means of any act or acts which, if done by an individual person, would constitute an offence on his part, the free and lawful exercise by any person of his trade, profession, or occupation ; or
  - (6.) To effect any unlawful purpose ; or
  - (7.) To effect any lawful purpose by any unlawful means ;
- is guilty of a misdemeanour, and is liable to imprisonment with hard labour for three years.

Conspiracy in trade  
disputes.

**539.** AN agreement or combination by two or more persons to do or procure to be done any act in contemplation or furtherance of a trade dispute between employers and workmen is not indictable as a conspiracy if such act committed by one person would not be punishable as a crime.

Nothing in this section affects the law relating to riots, unlawful assembly, breach of the peace, or sedition, or any offence against the State or the Sovereign.

A crime for the purpose of this section means an offence punishable on indictment, or an offence which is punishable on summary conviction, and for the commission of which the offender is liable to be imprisoned either absolutely or at the discretion of the Court as an alternative for some other punishment.

When a person is convicted of any such agreement or combination as aforesaid to do or procure to be done any act which

is

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is punishable only on summary conviction and is sentenced to imprisonment, the imprisonment may not exceed three months with hard labour, or such longer time, if any, or may be prescribed by this code or by statute for the punishment of the said act when committed by one person.

## CHAPTER LVIII.—ACCESSORIES AFTER THE FACT.

**540.** ANY person who becomes an accessory after the fact to a crime, is guilty of a crime, and is liable, if no other punishment is provided, to imprisonment with hard labour for two years. Accessories after the fact to crimes.

**541.** ANY person who becomes an accessory after the fact to a misdemeanour, or to any offence of such a nature that the offender may be sentenced on summary conviction, to imprisonment with or without hard labour for one year, is guilty of a misdemeanour, and is liable to a punishment equal to one-half of the greatest punishment to which the principal offender is liable on conviction. Accessories after the fact to misdemeanours and some other offences.

If the principal offence is such that an offender is punishable on summary conviction, the accessory may also be summarily convicted.

## PART VIII.—PROCEDURE.

## CHAPTER LIX.—ARREST.

**542.** WHEN an offence is such that the offender may be arrested without warrant generally-- Arrest without warrant generally.

- (a.) It is lawful for a police officer who believes, on reasonable grounds, that the offence has been committed, and that any person has committed it, to arrest that person without warrant, whether the offence has been actually committed or not, and whether the person arrested committed the offence or not.
- (b.) It is lawful for any person who is called upon to assist a police officer in the arrest of a person suspected of having committed the offence, and who knows that the person calling upon him to assist is a police officer, to assist him, unless he knows that there is no reasonable ground for the suspicion :
- (c.) It is lawful for any person who finds another committing the offence to arrest him without warrant :
- (d.) If the offence has been actually committed, it is lawful for any person who believes, on reasonable grounds, that another person has committed the offence to arrest that person without warrant, whether that other person has committed the offence or not :
- (e.)

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(e.) It is lawful for any person who finds another by night, under such circumstances as to afford reasonable grounds for believing that he is committing the offence, and who does in fact so believe, to arrest him without warrant :

(f.) It is lawful for a police officer who finds any person lying or loitering in any place by night, under such circumstances as to afford reasonable grounds for believing that he has committed or is about to commit the offence, and who does in fact so believe, to arrest him without warrant.

Arrest without  
warrant in special  
cases.

**543.** WHEN it is provided with respect to an offence that the offender may be arrested without warrant subject to certain conditions, the provisions of the last preceding section apply to the offence in question, subject to those conditions.

Arrest of persons  
found committing  
offences.

**544.** (1.) IT is lawful for a justice or police officer to arrest without warrant any person whom he finds committing any indictable offence or committing any simple offence with respect to which it is provided that a person found committing it may be arrested by a police officer without warrant.

(2.) When it is provided with respect to an offence that a person found committing the offence may be arrested without warrant generally, it is lawful for any person who finds another committing the offence to arrest him without warrant.

(3.) When it is provided with respect to an offence that a person found committing the offence may be arrested without warrant by a specified person, or specified persons, it is lawful for any such person who finds another committing the offence to arrest him without warrant.

Arrest of offender  
committing  
indictable offences  
by night.

**545.** IT is lawful for any person who finds another person by night committing any indictable offence to arrest him without warrant.

Arrest during  
flight.

**546.** IT is lawful for any person to arrest without warrant any other person whom he believes, on reasonable grounds, to have committed an offence and to be escaping from, and to be freshly pursued by some person whom, on reasonable grounds, he believes to have authority to arrest him for that offence.

Arrest of persons  
offering stolen  
property for sale,  
etc.

**547.** IT is lawful for any person to whom another offers to sell, pawn, or deliver, any property, and who believes, on reasonable grounds, that the property has been acquired by means of an offence with respect to which it is provided that a person found committing

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committing it may be arrested without warrant, to arrest that other person without warrant.

**548.** IT is the duty of a person who has arrested another upon a charge of an offence to take him forthwith before a justice to be dealt with according to law. Duty of persons arresting.

CHAPTER LX.—JURISDICTION : PRELIMINARY PROCEEDINGS :  
BAIL.

**549.** THE jurisdiction of Courts of justice with respect to the trial of offenders is set forth in the laws relating to the constitution and jurisdiction of those Courts respectively. Jurisdiction.

**550.** THE practice and procedure relating to the examination and committal for trial of persons charged with indictable offences are set forth in the laws relating to justices of the peace, their powers and authorities. Preliminary proceedings on charges of indictable offences.

**551.** IF any person charged before a justice with an indictable offence, on being asked whether he wishes to say anything in answer to the charge, says that he is guilty of the charge, and such person is not convicted summarily under the provisions of this Code, the justice is required to further say to him the words following or words to the like effect:— Defendant admitting guilt before justices may be committed for sentence.

Do you wish the witnesses again to appear and give evidence against you at the Court to which you will be committed? If you do not, you will now be committed for sentence instead of being committed for trial, and you will not afterwards be able to deny your guilt.

And if the defendant then says that he does not wish the witnesses to again appear to give evidence against him, his statement must be taken down in writing and read to him, and must be signed by the justice, and by the person charged if he so desires, and must be kept with the depositions of the witnesses, and transmitted with them to the proper office in accordance with the practice relating to the committal for trial of persons charged with indictable offences.

In any such case the justice, instead of committing the defendant for trial, is required to order him to be committed for sentence before some Court of competent jurisdiction, and in the meantime, by his warrant to commit the person charged to gaol to be there safely kept until the sittings of that Court, and until he is delivered by due course of law.

**552.** THE Supreme Court or a Judge thereof may admit to bail any person who has been committed for trial, or is in custody, upon a charge of an indictable offence, whether bail has been refused or not, or may reduce the bail of any such person to whom bail has been granted. Bail.

*Repealed  
by 2nd Act No. 29 sec. 14*



*Criminal Code.*

Summary convictions : Time.

**553.** THE procedure upon the prosecution of offenders in order to their summary conviction, and for enforcing summary convictions and orders made by justices upon such prosecutions, is set forth in the laws relating to justices of the peace, their powers and authorities.

A prosecution for a simple offence, or for an indictable offence, in order to the summary conviction of the offender must, unless otherwise expressly provided, be begun within six months after the offence is committed.

Place of trial.

**554.** (1.) A PERSON charged with committing an offence may be tried in any jurisdiction within which any act or omission or event which is an element of the offence takes place.

(2.) A person charged with stealing any property may also be tried in any jurisdiction within which he has the stolen property in his possession.

(3.) A person charged with stealing anything while employed in the Public Service may also be tried in any jurisdiction within which he is arrested or is in custody.

(4.) A person charged with an offence which involves the receiving of any property by him may also be tried in any jurisdiction within which he has the property in his possession.

(5.) A person charged with forging anything, or with uttering any false document or writing or anything counterfeit, may also be tried in any jurisdiction within which he is arrested or is in custody.

(6.) A person who is charged with counselling or procuring the commission of an offence, or with becoming an accessory after the fact to an offence, may also be tried in any jurisdiction within which the principal offender might be tried.

(7.) A person who is charged with an offence committed out of Western Australia, and who may lawfully be tried in Western Australia, may be tried in any jurisdiction within which he is arrested or is in custody.

Persons brought before wrong Court.

**555.** IF, on the trial of a person charged with any offence before any Court, it appears that he is not properly triable before that Court under any of the provisions of the last preceding section, he is not by reason thereof entitled to be acquitted, but the Court may, at the request of the accused person, discharge the jury from giving a verdict, and direct that he be tried before some proper Court, and may remand him for trial accordingly.

If he does not make such request, the trial is to proceed, and the verdict and judgment have the same effect in all respects as if the Court had originally had jurisdiction to try the accused person.

This

*Criminal Code.*

This section does not affect the right of an accused person to plead to the jurisdiction of a Court.

**556.** WHEN a person has been committed for trial for an indictable offence at a Court held at any place, whether he has been admitted to bail or not, the Supreme Court or a Judge thereof may, on the application of the Crown or, upon good cause shown, of the accused person, order that the trial shall be held at some other place, either before the same Court or before some other Court of competent jurisdiction, at a time to be named in the order.

Change of place of trial.

When an indictment has been presented against any person in the Supreme Court or a Circuit Court or a Court of Quarter Sessions, the Court may, on the application of the Crown or, upon good cause shown, of the accused person, order that the trial shall be held at some place other than that named in the margin of the indictment and at a time to be named in the order.

When an order is made under the provisions of this section, the consequences are the same in all respects, and with regard to all persons as if the accused person had been committed for trial at the place named in the order and at the sittings named therein; and, if he has been admitted to bail, the recognisances of bail are to be deemed to be enlarged to that time and place accordingly.

The recognisances of any persons who are bound to attend as witnesses are in like manner to be deemed to be enlarged to the same time and place.

Notice of such time and place must be given to the persons bound by the recognisances, otherwise their recognisances cannot be forfeited.

## CHAPTER LXI.—INDICTMENTS.

**557.** WHEN a person charged with an indictable offence has been committed for trial, and it is intended to put him on his trial for the offence, the charge is to be reduced to writing in a document which is called an indictment.

Nature of indictments.

The indictment is to be signed and presented to the Court by the Attorney General or some other person appointed in that behalf by the Governor.

**558.** THE Attorney General may present an indictment in any Court of criminal jurisdiction against any person for any indictable offence, whether the accused person has been committed for trial or not.

Ex officio informations.

An officer appointed by the Governor to present indictments in any Court of criminal jurisdiction may present an indictment in that Court against any person for any indictable offence within

558 amended by 31 of 1906

*Criminal Code.*

Summary convictions : Time.

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(7.) A person who is charged with an offence committed out of Western Australia, and who may lawfully be tried in Western Australia, may be tried in any jurisdiction within which he is arrested or is in custody.

Persons brought before wrong Court.

**555.** IF, on the trial of a person charged with any offence before any Court, it appears that he is not properly triable before that Court under any of the provisions of the last preceding section, he is not by reason thereof entitled to be acquitted, but the Court may, at the request of the accused person, discharge the jury from giving a verdict, and direct that he be tried before some proper Court, and may remand him for trial accordingly.

If he does not make such request, the trial is to proceed, and the verdict and judgment have the same effect in all respects as if the Court had originally had jurisdiction to try the accused person.

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Change of place of trial.

When an indictment has been presented against any person in the Supreme Court or a Circuit Court or a Court of Quarter Sessions, the Court may, on the application of the Crown or, upon good cause shown, of the accused person, order that the trial shall be held at some place other than that named in the margin of the indictment and at a time to be named in the order.

When an order is made under the provisions of this section, the consequences are the same in all respects, and with regard to all persons as if the accused person had been committed for trial at the place named in the order and at the sittings named therein; and, if he has been admitted to bail, the recognisances of bail are to be deemed to be enlarged to that time and place accordingly.

The recognisances of any persons who are bound to attend as witnesses are in like manner to be deemed to be enlarged to the same time and place.

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## CHAPTER LXI.—INDICTMENTS.

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Ex officio informations.

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within

558 amended by 31 of 1906

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*Criminal Code.*

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as to constitute the offence, although such coin or thing was delivered to him in order that some part of the value thereof should be returned to the person who delivered the same or to some other person, and has been returned accordingly.

(6.) In an indictment in which it is necessary to mention any co-owners of property it is sufficient to name one of such persons, adding the words "and another" or "and others," as the case may be, and to state that the property belonged to the person so named and another or others, as the case may be.

(7.) In an indictment against a man for an offence committed by him with respect to his wife's separate property, the property may be alleged to be the property of the wife.

(8.) In an indictment for an offence relating to any property of a company which is authorised to sue and be sued in the name of a public officer, the property may be alleged to be the property of the public officer.

(9.) In an indictment for an offence relating to any property which by any Statute is to be deemed to be the property of any officer of any institution, the property in question may be alleged to be the property of the officer of the institution for the time being by his name of office.

(10.) In an indictment for an offence relating to a testamentary instrument, it is not necessary to allege that the instrument is the property of any person.

(11.) In an indictment for an offence relating to anything fixed in a square or street, or in a place dedicated to public use or ornament, or to anything in or taken from a public office, it is not necessary to allege that the thing in respect of which the offence is committed is the property of any person.

(12.) In an indictment for an offence relating to a document which is evidence of title to land or an estate in land, the document may be described as being evidence of the title of the person or some one of the persons having an estate in the land to which the document relates, the land or some part thereof being described in some manner sufficient to identify it.

(13.) In an indictment for stealing a chattel or fixture let to the offender, the chattel or fixture may be described as the property of the person who actually let it to hire.

(14.) In an indictment against a person employed in the Public Service for an offence committed with respect to anything which came into his possession by virtue of his employment, the thing in question may be described as the property of His Majesty.

(15.) In an indictment for an offence respecting any property, if it is uncertain to which of two or more persons the property belonged at the time when the offence was committed, the property  
may

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may be described as being the property of one or other of such persons, naming each of them, but without specifying which of them ; and the indictment will be sustained, so far as regards the allegation of ownership, upon proof that at the time when the offence was committed the property belonged to one or other of such persons without ascertaining which of them.

(16.) In an indictment for the offence of obtaining or procuring the delivery of anything capable of being stolen by a false pretence and with intent to defraud, or of obtaining any property by means of a fraudulent trick or device, or of inducing by means of any such trick or device the payment or delivery of any money or goods, or of attempting to commit, or to procure the commission of any such offence, it is not necessary to mention the owner of the property in question.

(17.) In an indictment for an offence which involves any fraud or fraudulent pretence or trick or device, it is not necessary to set forth the details of the fraud or pretence or trick or device.

(18.) In an indictment for an offence relating to a bankruptcy it is not necessary to set forth any debt, act of bankruptcy, adjudication, or other proceeding in any Court, or any order, warrant, or document, made or issued by or out of, or by the authority of any Court.

**564.** EXCEPT as hereinafter stated, an indictment must charge one offence only, and not two or more offences :

Indictment to contain one matter of charge only.

Provided that when several distinct indictable offences are alleged to be constituted by the same acts or omissions, or by a series of acts done or omitted to be done in the prosecution of a single purpose, charges of such distinct offences may be joined in the same indictment against the same person.

In any such case the several statements of the offences may be made in the same form as in other cases, without any allegation of connection between the offences.

But, if in any such case it appears to the Court that the accused person is likely to be prejudiced by such joinder, the Court may require the prosecutor to elect upon which of the several charges he will proceed, or may direct that the trial of the accused person upon each or any of the charges shall be had separately.

This section does not authorise the joinder of a charge of wilful murder, murder, or manslaughter, with a charge of any other offence.

**565.** (1.) IN an indictment against a person for stealing money the accused person may be charged and proceeded against for the amount of a general deficiency, notwithstanding that such  
general

Cases in which several charges may be joined.

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general deficiency is made up of any number of specific sums of money the taking of which extended over any space of time.

(2.) In an indictment against a person for stealing, he may be charged with two or three distinct acts of stealing the property of the same person, committed by him within the space of six months from the first to the last of such acts.

(3.) If, on the trial of a person charged with stealing, it appears that property alleged to have been stolen at one time was stolen at different times, the prosecutor is not by reason thereof, required to elect upon which act of stealing he will proceed, unless it appears that there were more than three acts of stealing, or that more than six months elapsed between the first and the last of such acts ;

In either of such last-mentioned cases, the prosecutor is to be required to elect to proceed in respect of two or three acts of stealing which appear to have taken place within the period of six months from the first to the last of such acts.

(4.) Charges of stealing any property and of receiving the same property, or any part thereof, knowing it to have been stolen, may be joined in the same indictment, and the accused person may, according to the evidence, be convicted either of stealing the property or of receiving it, or any part of it, knowing it to have been stolen.

When such an indictment is preferred against two or more persons, all or any of the accused persons may, according to the evidence, be convicted either of stealing the property, or of receiving it, or any part of it, knowing it to have been stolen ; or, according to the evidence, one or more of them may be convicted of stealing the property, and the other or others of them of receiving it, or any part of it, knowing it to have been stolen.

(5.) Any number of persons charged with committing or with procuring the commission of the same offence, although at different times, or of being accessories after the fact, to the same offence, although at different times, and any number of persons charged with receiving, although at different times, any property which has been obtained by means of a crime or misdemeanour, or by means of an act which, if it had been done in Western Australia, would be a crime or misdemeanour, and which is an offence under the laws in force in the place where it was done, or any part of any property so obtained may be charged with substantive offences in the same indictment, and may be tried together, notwithstanding that the principal offender or the person who so obtained the property is not included in the same indictment, or is not amenable to justice.

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**566.** A PERSON who counsels or procures another person to commit an offence, or who aids another person in committing an offence, or who becomes an accessory after the fact to an offence, may be charged in the same indictment with the principal offender, and may be tried with him or separately, or may be indicted and tried separately, whether the principal offender has or has not been convicted, or is or is not amenable to justice.

Accessories.

**567.** IN an indictment for an offence charged to have been committed after a conviction for any offence, it is sufficient, after charging the subsequent offence, to state the substance and effect of the indictment or complaint, and the conviction, for the previous offence, and the time and place of such conviction.

Statement of previous conviction.

**568.** AN indictment is not open to objection by reason of the designation of any person by a name of office or other descriptive appellation instead of by his proper name, nor for omitting to state the time at which the offence was committed, unless the time is an essential element of the offence, nor for stating imperfectly the time at which the offence was committed, nor for stating the offence to have been committed on an impossible day, or on a day that never happened or has not yet happened.

Formal defects.

Every objection to an indictment for any defect apparent on its face must be taken by motion to quash the indictment before the jury is sworn, and not afterwards; and the Court upon such motion may, unless it considers that the accused person will be prejudiced thereby in his defence, order the indictment to be amended, so far as is necessary, on such terms, if any, as to postponing the trial or otherwise as the Court may think reasonable. The indictment is thereupon to be amended in accordance with the order of the Court.

**569.** IF, on the trial of a person charged with an indictable offence, there appears to be a variance between the indictment and the evidence, or it appears that any words that ought to have been inserted in the indictment have been omitted, or that any words that ought to have been omitted have been inserted, the Court shall unless it considers that the variance, omission, or insertion, is material to the merits of the case, and that the accused person will be prejudiced thereby in his defence on the merits, order the indictment to be amended, so far as it is necessary, on such terms, if any, as to postponing the trial, and directing it to be had before the same jury or another jury, as the Court may think reasonable.

Amendment of indictments.

The indictment is thereupon to be amended in accordance with the order of the Court.

When



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When an indictment has been amended, the trial is to proceed, at the appointed time, upon the amended indictment, and the same consequences ensue, in all respects and as to all persons, as if the indictment had been originally in its amended form.

If it becomes necessary to draw up a formal record in any case in which an amendment has been made, the record is to be drawn up setting out the indictment as amended, and without taking any notice of the fact of the amendment having been made.

**Particulars.**

**570.** THE Court may, in any case, if it thinks fit, direct particulars to be delivered to the accused person of any matter alleged in the indictment, and may adjourn the trial for the purpose of such delivery.

**Summary convictions.**

**571.** THE provisions of this chapter relating to indictments apply to complaints preferred against offenders upon their trial before Justices in order to their summary conviction of an indictable offence.

**CHAPTER LXII.—EFFECT OF INDICTMENT.****Offences involving circumstances of aggravation.**

**572.** EXCEPT as hereinafter stated, upon an indictment charging a person with an offence committed with circumstances of aggravation, he may be convicted of any offence which is established by the evidence, and which is constituted by any act or omission which is an element of the offence charged, with or without any of the circumstances of aggravation charged in the indictment.

**Charge of murder or manslaughter.**

**573.** UPON an indictment charging a person with the crime of wilful murder, he may be convicted of the crime of murder or of the crime of manslaughter, if either of those crimes is established by the evidence, but not, except as herein expressly provided, of any other offence than that with which he is charged.

Upon an indictment charging a person with the crime of murder, he may be convicted of the crime of manslaughter, if that crime is established by the evidence, but not, except as herein expressly provided, of any other offence than that with which he is charged.

Upon an indictment charging a person with the crime of manslaughter he cannot, except as herein expressly provided, be convicted of any other offence.

**Charge of homicide of child.**

**574.** PROVIDED that upon an indictment charging a person with the wilful murder or murder of any person, or with unlawfully killing any person, if upon the evidence it appears that the person alleged to have been killed was a child of which a woman had

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had recently been delivered, the accused person may be convicted of the offence of preventing the child from being born alive by an act or omission of such a nature that, if the child had been born alive and had then died, he would be deemed to have unlawfully killed the child, or of the offence of endeavouring by a secret disposition of the dead body of the child to conceal the birth, if either of those offences is established by the evidence.

**575.** UPON an indictment charging a person with the crime of rape, or with the crime of having unlawful carnal knowledge of a girl under the age of thirteen years, he may be convicted of any offence which is established by the evidence, and of which the unlawful carnal knowledge of a woman or girl, whether of a particular age or description or not, is an element, and blood relationship is not an element, or of which procuring the woman or girl to have unlawful carnal connection with any man is an element :

Charge of rape, and like offences.

Or he may be convicted of any of the offences following, that is to say :—

- (a.) Administering to the woman or girl, or causing her to take, any drug or other thing, with intent to stupefy or overpower her in order to enable any man to have unlawful carnal knowledge of her ; or
- (b.) Unlawfully and indecently assaulting the woman or girl ; or
- (c.) Unlawfully and indecently dealing with a girl under the age of thirteen years or a girl under the age of sixteen years ;

if any such offence is established by the evidence.

**576.** UPON an indictment charging a person with an offence of which the causing of some specific result is an element, he may be convicted of any offence which is established by the evidence, and of which an intent to cause that result, or a result of a similar but less injurious nature, is an element.

Charge of specific injury : Charge of injury with specific intent.

Upon an indictment charging a person with an offence of which an intent to cause some specific result is an element, he may be convicted of an offence which is established by the evidence and of which the unlawful causing of that result is an element.

**577.** UPON an indictment charging a person with an offence of which destruction of property, or wilfully and unlawfully doing any specific damage to property is an element, he may be convicted of wilfully and unlawfully damaging the property, or of wilfully and unlawfully damaging the property in any lesser degree, if either of such offences is established by the evidence.

Charge of injury to property.

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to elections and punishable on summary conviction, he may be convicted of such last-mentioned offence, and is liable to the same punishment as if he had been summarily convicted of that offence.

*Illegal practices.*

**584.** IF, on the trial of a person charged with an offence relating to elections and punishable on summary conviction, the evidence establishes that he is guilty of an indictable offence relating to elections, he is not entitled to have the charge dismissed if the evidence also establishes that he did any act or acts such as to constitute the offence with which he is actually charged.

*Charge of stealing cattle.*

**585.** IF, on the trial of a person charged with stealing a horse, mare, gelding, ass, mule, camel, bull, cow, ox, ram, ewe, wether, goat, pig, or dog, or the young of any such animal, the evidence establishes that he is not guilty of the offence charged, but is guilty of any of the offences following, that is to say :—

- (a.) Unlawfully using, or taking for the purpose of using, the animal without the consent of the owner, or of the person in lawful possession thereof ;
- (b.) Branding or marking the animal, or knowingly permitting it to be branded or marked, with his registered brand or registered mark, knowing that he is not the owner of the animal ;
- (c.) Altering or defacing, or otherwise rendering undistinguishable, any registered brand or registered mark upon the animal ;
- (d.) Knowingly permitting any such act as last aforesaid to be done by any person over whom he has control ;

he may be convicted of the offence so established by the evidence, and is liable to the same punishment as if he had been summarily convicted of that offence.

*Indictment for joint receiving.*

**586.** UPON an indictment charging two or more persons jointly with an offence of which the receiving of any property is an element, if the evidence establishes that one or more of them separately received any part or parts of the property under such circumstances as to constitute an offence, such one or more of the accused persons may be convicted of the offence or offences so established by the evidence.

## CHAPTER LXIII.—TRIAL : ADJOURNMENT : PLEAS : PRACTICE.

*Right to be tried.*

**587.** A PERSON committed for trial before any Court for any indictable offence may make application in open Court at any time

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time during the first sittings of the Court held after his committal to be brought to his trial.

If an indictment is not presented against him at some time during those sittings, the Court may, upon motion made on his behalf on the last day of such sittings, admit him to bail, and is required so to do, unless it appears upon oath that some material evidence for the Crown could not be produced at those sittings.

Any person committed as aforesaid, who has made such an application to be brought to his trial, and who is not brought to trial at the second sittings after his committal for trial, is entitled to be discharged.

**588.** WHEN an indictment is presented in any Court against any person who has not been committed for trial or held to bail upon the charge set forth in the indictment, and the accused person is not brought to trial within a year after the indictment is presented, the Court may, upon the application of the accused person, or any of the accused persons, if more than one, authorise him to bring on the trial, and he may bring on the trial accordingly, unless in the meantime the Court is informed that the Crown will not further proceed upon the indictment.

*Accelerating trial of persons not under committal.*

**589.** THE Court before which an indictment is presented may, in any case, if it thinks fit, adjourn the trial of the accused person.

*Adjournment of trial.*

A trial may be adjourned at any period of the trial, whether a jury has or has not been sworn, and whether evidence has or has not been given.

**590.** WHEN the trial of a person charged with an offence on indictment is adjourned, the Court may direct the trial to be held either at a later sitting of the same Court, or before some other Court of competent jurisdiction, and may remand the accused person accordingly, and may, in a proper case, admit him to bail, or enlarge his bail if he has already been admitted to bail, and may enlarge the recognisances of the witnesses.

*On adjournment of trial accused may be remanded to another Court having jurisdiction.*

In any such case, the indictment and other proceedings are to be transmitted to the proper officer of the Court to which the accused person is so remanded, and that Court has the same jurisdiction to try him as if he had been originally committed to be tried before it; and the accused person is bound to attend to be tried, and the witnesses are bound to attend to give evidence at the time and place to which the trial is adjourned, without entering into any fresh recognisances for that purpose, in the same manner as if they had respectively been originally bound by their recognisances

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ances to appear and to attend and give evidence at the time and place to which the trial is adjourned.

Accused person to be called upon to plead to indictment.

**591.** AT the time appointed for the trial of an accused person he is to be informed in open Court of the offence with which he is charged, as set forth in the indictment, and is to be called upon to plead to the indictment, and to say whether he is guilty or not guilty of the charge.

The trial is deemed to begin when he is so called upon.

Delivery of copy of indictment.

**592.** WHEN an indictment is presented against any person, the Court is required, upon his application, to order a copy of the indictment to be delivered to him without fee.

Motion to quash indictment.

**593.** THE accused person may, before pleading, apply to the Court to quash the indictment on the ground that it is calculated, to prejudice or embarrass him in his defence to the charge, or that it is formally defective.

Upon such motion the Court may quash the indictment, or may order it to be amended in such manner as the Court thinks just, or may refuse the motion.

Misnomer.

**594.** IF the accused person says that he is wrongly named in the indictment, the Court shall, on being satisfied by affidavit or otherwise of the error, order the indictment to be amended.

Pleas.

**595.** IF the accused person does not apply to quash the indictment, he must either plead to it or demur to it on the ground that it does not disclose any offence cognisable by the Court. If he pleads, he may plead either—

- (1.) That he is guilty of the offence charged in the indictment, or, with the consent of the Crown, of any other offence of which he might be convicted upon the indictment ;
- (2.) That he is not guilty ;
- (3.) That he has already been convicted upon an indictment on which he might have been convicted of the offence with which he is charged, or has already been convicted of an offence of which he might be convicted upon the indictment ;
- (4.) That he has already been acquitted upon an indictment on which he might have been convicted of the offence with which he is charged, or has already been acquitted upon indictment of an offence of which he might be convicted upon the indictment ;

(5.)

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- (5.) That he has already been tried and convicted or acquitted of an offence committed or alleged to be committed under such circumstances that he cannot, under the provisions of this Code be tried for the offence charged in the indictment ;
- (6.) That he has received the Royal pardon for the offence charged in the indictment ; or
- (7.) That the Court has no jurisdiction to try him for the offence.

Two or more pleas may be pleaded together, except that the plea of guilty cannot be pleaded with any other plea to the same charge.

An accused person may plead and demur together.

**596.** A PERSON charged with the unlawful publication of defamatory matter, who sets up as a defence that the defamatory matter is true, and that it was for the public benefit that the publication should be made, must plead that matter specially, and may plead it with any other plea, except the plea of guilty.

*Defence of truth of defamatory matter to be specially pleaded.*

**597.** WHEN a person has been committed by a justice for sentence for an offence, he is to be called upon to plead to the indictment in the same manner as other persons, and may plead either that he is guilty of the offence charged in the indictment or, with the consent of the Crown, of any other offence of which he might be convicted upon the indictment.

*Persons committed for sentence.*

If he pleads that he is not guilty, the Court, upon being satisfied that he duly admitted before the justice that he was guilty of the offence charged in the indictment, is to direct a plea of guilty to be entered, notwithstanding his plea of not guilty. A plea so entered has the same effect as if it had been actually pleaded.

If the Court is not so satisfied, or if, notwithstanding that the accused person pleads that he is guilty, it appears to the Court upon examination of the depositions of the witnesses that he has not in fact committed the offence charged in the indictment, or any other offence of which he might be convicted upon the indictment, the plea of not guilty is to be entered, and the trial is to proceed as in other cases when that plea is pleaded.

A person who has been committed for sentence may plead any of the other pleas mentioned in the last preceding section but one.

**598.** IF an accused person, on being called upon to plead to an indictment, will not plead or answer directly to the indictment, the Court may, if it thinks fit, order a plea of not guilty to be entered

*Standing mute*

*Criminal Code.*

tered on behalf of the accused person. A plea so entered has the same effect as if it had been actually pleaded.

*Plea of autrefois  
convict or autrefois  
acquit.*

**599.** IN a plea that the accused person has already been convicted or acquitted, it is sufficient to state that he has been lawfully convicted or acquitted, as the case may be, of the offence charged in the indictment, or of the other offence of which he alleges that he has been convicted or acquitted, and, in the latter case, to describe the offence by any term by which it is commonly known.

*Trial on plea to the  
jurisdiction.*

**600.** UPON a plea to the jurisdiction of the Court, the Court is to proceed to satisfy itself in such manner and upon such evidence as it thinks fit, whether it has jurisdiction or not, and may ascertain the fact by the verdict of a jury or otherwise.

*Trial by jury.*

**601.** IF the accused person pleads any plea or pleas other than the plea of guilty or a plea to the jurisdiction of the Court, he is by such plea, without any further form, deemed to have demanded that the issues raised by such plea or pleas shall be tried by a jury, and is entitled to have them tried accordingly.

*demurrer.*

**602.** WHEN an accused person demurs only and does not plead any plea, the Court is to proceed to hear and determine the matter forthwith. If the demurrer is overruled, he is to be called upon to plead to the indictment.

When an accused person pleads and demurs together, it is in the discretion of the Court whether the plea or demurrer shall be first disposed of.

No joinder in demurrer is necessary.

*separate trials.*

**603.** WHEN two or more persons are charged in the same indictment, whether with the same offence or with different offences, the Court may, at any time during the trial, on the application of any of the accused persons, direct that the trial of the accused persons or any of them shall be had separately from the trial of the other or others of them, and for that purpose may, if a jury has been sworn, discharge the jury from giving a verdict as to any of the accused persons.

*Juries.*

**604.** THE law respecting the qualifications of jurors and the summoning of jurors to attend for the trial of persons charged with indictable offences, and the challenges allowed to such persons, is set forth in the laws relating to juries and jurors.

*Accused person to  
be informed of his  
right of challenge.*

**605.** WHEN an accused person has demanded to be tried by a jury, the proper officer of the Court is to inform him in open Court

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Court that the persons whose names are to be called are the jurors to be sworn for his trial, and is further to inform him that if he desires to challenge any of them he must do so before they are sworn.

**606.** IF the accused person desires to object to the whole panel of jurors, he must do so before any juror is sworn for his trial. Challenge to array.

**607.** THE Crown or the accused person may object to a particular juror on either of the following grounds, that is to say:— Challenges to individual jurors for cause.

- (1.) That the juror is not qualified by law to act as a juror ;
- (2.) That the juror is not indifferent as between the Crown and the accused person.

Such objections are in addition to any peremptory challenges to which an accused person is by law entitled.

**608.** AN objection to a juror, either by way of peremptory challenge or by way of challenge for cause, may be made at any time before the officer has begun to recite the words of the oath to the juror, but not afterwards. Time for challenging.

**609.** IF at any time it becomes necessary to ascertain the truth of any matter alleged as cause for challenge, the fact shall be tried by the jurors already sworn, if more than one, or, if one juror only has been sworn, by such juror together with some indifferent person chosen by the Court from the panel of jurors, or, if no juror has been sworn, by two indifferent persons chosen by the Court from such panel. The persons so appointed are to be sworn to try the cause for challenge, and their decision on the fact is final and conclusive. Ascertainment of facts as to challenge.

If the persons so appointed cannot agree, the Court may discharge them from giving a decision, and may appoint two other persons to try the fact, to be chosen as in the case when no juror has been sworn.

**610.** IF, when the accused person is called upon to plead to the indictment, it appears to be uncertain, for any reason, whether he is capable of understanding the proceedings at the trial, so as to be able to make a proper defence, a jury of twelve men, to be chosen from the panel of jurors, are to be empanelled forthwith, who are to be sworn to find whether he is so capable or no. Want of understanding of accused person.

If the jury find that he is capable of understanding the proceedings, the trial is to proceed as in other cases.

If the jury find that he is not so capable, the finding is to be recorded, and the Court may order the accused person to be discharged,



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discharged, or may order him to be kept in custody in such place and in such manner as the Court thinks fit, until he can be dealt with according to law.

A person so found to be incapable of understanding the proceedings at the trial may be again indicted and tried for the offence.

**Jury to be sworn and informed of charge.**

**611.** THE jury are to be sworn to give a true verdict according to the evidence upon the issues to be tried by them.

When the jury have been sworn, the proper officer of the Court is to inform them of the charge set forth in the indictment, and of their duty as jurors upon the trial.

**Discharge of juror by Court.**

**612.** IF, after a juror has been sworn, it appears to the Court from his own statement that he is not indifferent as between the Crown and the accused person, or that for any other reason he ought not to be allowed or required to act as a juror on the trial, the Court may, without discharging the whole of the jury, discharge that particular juror, and direct another juror to be sworn in his place.

**Defence by counsel.**

**613.** EVERY person charged with an offence is entitled to make his defence at his trial and to have the witnesses examined and cross-examined by his counsel.

The term "counsel" includes any person entitled to audience as an advocate.

**Presence of accused.**

**614.** THE trial must take place in the presence of the accused person, unless he so conducts himself as to render the continuance of the proceedings in his presence impracticable, in which case the Court may order him to be removed, and may direct the trial to proceed in his absence.

Provided that the Court may, in any case, if it thinks fit, permit a person charged with a misdemeanour to be absent during the whole or any part of the trial on such conditions as it thinks fit.

If the accused person absents himself during the trial without leave, the Court may direct a warrant to be issued to arrest him and bring him before the Court forthwith.

**Evidence in defence.**

**615.** AT the close of the evidence for the prosecution the proper officer of the Court is required to ask the accused person whether he intends to adduce evidence in his defence.

**Speeches by counsel.**

**616.** BEFORE any evidence is given at the trial of an accused person the counsel for the Crown is entitled to address the jury for the

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the purpose of opening the evidence intended to be adduced for the prosecution.

If the accused person or any of the accused persons, if more than one, is defended by counsel, and if such counsel or any of such counsel says that he does not intend to adduce evidence, the counsel for the Crown is entitled to address the jury a second time for the purpose of summing up the evidence already given against such accused person or persons for whom evidence is not intended to be adduced.

At the close of the evidence for the prosecution the accused person, and each of the accused persons, if more than one, may by himself or his counsel address the jury for the purpose of opening the evidence, if any, intended to be adduced for the defence, and after the whole of the evidence is given may again address the jury upon the whole case.

If evidence is adduced for an accused person, the counsel for the Crown is entitled to reply.

If evidence is adduced for one or more of several accused persons, but not for all of them, the counsel for the Crown is entitled to reply with respect to the person or persons by whom evidence is so adduced, but not with respect to the other or others of them.

Provided that the Attorney General is entitled to reply in all cases, whether evidence is adduced by any accused person or not.

**617.** AFTER the evidence is concluded and the counsel or the accused person or persons, as the case may be, have addressed the jury, it is the duty of the Court to instruct the jury as to the law applicable to the case, with such observations upon the evidence as the Court thinks fit to make. summing up.

After the Court has instructed the jury they are to consider their verdict.

**618.** EXCEPT as hereinafter stated, after the jury have been sworn and the charge has been stated to them by the proper officer, they must not separate until they have given their verdict or are discharged by the Court. Jury not to separate.

And no person except the officer of the Court who has charge of them is to be allowed to speak to or communicate with any of them without the leave of the Court until they are discharged.

Provided that on the trial of a person charged with any indictable offence other than a crime punishable with death, the Court may, in its discretion, permit the jury to separate before considering their verdict for such period during any adjournment of the trial as the Court may think fit.

If

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If any person disobeys the directions of this section he may be punished summarily as for contempt of Court.

The validity of the proceedings is not affected by any such disobedience, but, if the fact is discovered before the verdict is given, the Court, if it is of opinion that such disobedience is likely to prejudice the fair trial of the charge, may discharge the jury, and may direct that a fresh jury be sworn during the same sittings of the Court, or may adjourn the trial.

Confinement of jury.

**619.** WHILE the jury are kept together, and until they have given their verdict, they are to be kept, during any adjournment of the Court, and while they are considering their verdict, in some private place under the charge of an officer of the Court, and are to be provided with necessary fire and lights and with such reasonable refreshment, if any, as the Court may allow.

View.

**620.** THE Court may in any case, if it thinks fit, direct that the jury shall view any place or thing which the Court thinks it desirable that they should see, and may give any necessary directions for that purpose.

The validity of the proceedings is not affected by disobedience to any such directions, but, if the fact is discovered before the verdict is given, the Court, if it is of opinion that such disobedience is likely to prejudice the fair trial of the charge, may discharge the jury, and may direct that a fresh jury be sworn during the same sittings of the Court, or may adjourn the trial.

Special verdict.

**621.** IN any case in which it appears to the Court that the question whether an accused person ought or ought not to be convicted of an offence may depend upon some specific fact, or that the proper punishment to be awarded upon conviction may depend upon some specific fact, the Court may require the jury to find that fact specially.

General verdict on charge of defamation.

**622.** NOTWITHSTANDING the provisions of the last preceding section, the jury, on the trial of a person charged with the unlawful publication of defamatory matter, may give a general verdict of guilty or not guilty upon the whole matter in issue in like manner as in other cases.

Discharge of jury.

**623.** WHEN the trial of an accused person is adjourned after the jury have been sworn, the Court may discharge the jury.

If the jury cannot agree as to the verdict to be given, or if any emergency arises of such a nature as to render it, in the opinion of the Court, necessary or highly expedient for the ends of justice to do so, the Court may, in its discretion, discharge the jury without giving

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giving a verdict, and may direct that a fresh jury be sworn during the same sittings of the Court, or may adjourn the trial.

Such an exercise of discretion is not subject to review by any Court.

**624.** IF the presiding Judge becomes incapable of proceeding with the trial or directing the discharge of the jury, it is the duty of some officer of the Court to discharge the jury. Incapacity of Judge.

In any such case the accused person must remain in custody, and may be again put on his trial. But he has the same rights with respect to admission to bail as upon an original committal for trial for the offence with which he is charged, and any justice may, in a proper case, admit him to bail accordingly.

**625.** IF at any time during the trial a juror dies, or becomes, in the opinion of the Court, incapable of continuing to act as a juror, the Court may, in its discretion, discharge the jury under the provisions hereinbefore contained, or may, if it thinks fit, at the request of the accused person, and with the consent of the Crown, discharge the juror, if any, so becoming incapable, and direct that the trial shall proceed with the remaining jurors. In any such case the verdict of the remaining jurors, not being less than ten, shall have the same effect as if all the jurors had continued present. Incapacity of juror.

**626.** THE taking of a verdict or any other proceeding of the Court is not invalid by reason of its happening on a Sunday. Verdict on Sunday.

**627.** THE proceedings upon an indictment for committing an offence after a previous conviction or convictions are required to be as follows, that is to say :— Procedure on charge of an offence committed after previous conviction.

- (1.) The accused person is in the first instance, to be called upon to plead to so much only of the indictment as charges the subsequent offence ;
- (2.) If he pleads any plea which raises an issue to be tried by a jury, the jury are to be charged in the first instance to inquire concerning the subsequent offence only ;
- (3.) If he pleads guilty, or if upon trial he is convicted of the subsequent offence, he is then, and not before, to be asked whether he had been previously convicted as alleged in the indictment ;
- (4.) If he answers that he had been so previously convicted, the Court may proceed to pass sentence upon him accordingly ;
- (5.) If he denies that he had been so previously convicted, or will not answer directly to the question, the jury are then

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then to be charged to inquire concerning the previous conviction or convictions; and in that case it is not necessary that the jury should be sworn afresh, but the oath already taken by them is deemed to extend to such last-mentioned inquiry.

*Proviso repealed by 25 of 1906*  
~~Provided that, if on the trial of a person charged with a subsequent offence, he offers evidence of his good character, the Crown may, in answer thereto, and before any verdict is given, offer evidence of his conviction of the previous offence or offences, and in that case the jury are required to inquire concerning the previous conviction or convictions at the same time that they inquire concerning the subsequent offence.~~

Further pleas.

**628.** WHEN the issues raised by any plea or pleas, except the plea of not guilty, have been found against an accused person who has not pleaded the plea of not guilty, he is to be called upon to plead afresh, and if those issues have been tried by a jury, the Court may direct the issues raised by any fresh plea to be tried by the same jury or by another jury. If the Court directs them to be tried by the same jury, it is not necessary that the jury should be sworn afresh; but the oath already taken by them is to be deemed to extend to the trial of such fresh issues.

CHAPTER LXIV.—EVIDENCE: PRESUMPTIONS OF FACT.

Competency of accused persons and their husbands and wives to give evidence.

**629.** (1.) EXCEPT when in this Code it is otherwise provided every accused person, and the husband or wife of such person, is a competent but not compellable witness at every stage of the proceedings.

But no accused person charged with an indictable offence—

- (a.) May be called on behalf of the prosecution; or
- (b.) May be questioned on cross-examination as to his previous character or antecedents, without the leave of the Judge, unless—

(i.) The proof that he has committed, or been convicted of, any offence other than that wherewith he is then charged is admissible in evidence to show that he is guilty of the offence wherewith he is then charged; or

(ii.) He has personally, or by his advocate, asked questions of the witnesses for the prosecution with a view to establish his own good character, or the nature or conduct of the defence is such as to involve imputations on the character of the prosecutor or a witness for the prosecution; or

(iii.) He has given evidence against any other person charged with the same offence.

(2.)

*Chapter 64 repealed by 25 of 1906*

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(2.) An accused person, being a witness, may be asked any question in cross-examination, notwithstanding that it may tend to criminate him as to the offence charged.

(3.) The failure of any accused person, or of the wife or husband of an accused person, to give evidence may not be made the subject of any comment by the prosecution.

(4.) When the only witness to the facts of the case called by the defence is the person accused, he must be called as a witness immediately after the close of the evidence for the prosecution.

**630.** A PERSON cannot be convicted of an offence on the uncorroborated testimony of an accomplice or accomplices.

Accomplices.

**631.** ON the trial of a person charged with treason, evidence cannot be admitted of any overt act not alleged in the indictment.

Evidence on charge of treason.

**632.** ON the trial of a person charged with an offence of which the giving of false testimony by any person at the trial of a person charged with an offence is an element, a certificate setting out the substance and effect only, without the formal parts, of the indictment or complaint, and the proceedings at the trial, and purporting to be signed by the officer having the custody of the records of the Court where the indictment or complaint was tried, or by his deputy, is sufficient evidence of the trial, without proof of the signature or official character of the person who appears to have signed the certificate.

Evidence on trials for perjury and subornation.

**633.** ON the trial of a person charged with an offence alleged to have been committed after a previous conviction, a certificate setting out the substance and effect only, without the formal parts, of the indictment, verdict, and judgment, or of the complaint and conviction, purporting to be signed by the officer having the custody of the records of the Court where the accused person was first convicted, or by his deputy is, upon proof of the identity of the person of the offender, sufficient evidence of the conviction, without proof of the signature or official character of the person who appears to have signed the certificate.

Evidence of previous conviction.

If the previous conviction was a summary conviction, the conviction is presumed not to have been appealed against until the contrary is shown.

**634.** ON the trial of a person charged with an offence of which carnal knowledge, or an attempt to have carnal knowledge, of a woman or girl, is an element, and of which blood relationship is also an element,—

Evidence of relationship on charge of incest.

(1.) It is sufficient to prove that the woman or girl on whose person or by whom the offence is alleged to have been committed

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committed is reputed to be the daughter or other lineal descendant, or sister, or half sister, of the person charged, or of the person with whom the offence is alleged to have been committed, as the case may be, and it is not necessary to prove that such woman or girl, or any person being her parent or ancestor, and being a descendant of the person charged, or of the person with whom the offence is alleged to have been committed, as the case may be, was born in lawful wedlock ;

- (2.) The accused person is, until the contrary is proved, presumed to have had knowledge at the time of the alleged offence of the relationship existing between the woman or girl on whose person or by whom the offence is alleged to have been committed and the person charged, or the person with whom the offence is alleged to have been committed, as the case may be.

Evidence of  
gaming.

**635.** ON the trial of a person charged with an offence of such a nature that proof that any place was kept or used or resorted to for playing at any game of chance, or of mixed chance and skill, is necessary, it is not necessary to prove that any person there found playing at any game was playing for any money, wager, or stake.

Evidence of  
authority.

**636.** THE averment in an indictment that the prosecution is instituted by the direction of the Attorney General, or at the request of the Government of any State, is sufficient evidence of the fact, until the contrary is shown.

Evidence on charges  
of offences against  
Customs laws.

**637.** ON the trial of a person charged with any offence of which the fact that some person was at some particular time an officer of Customs, or was at some particular time employed for the prevention of smuggling, is an element, the averment in the indictment or complaint that any person therein mentioned was an officer of Customs, or was employed for the prevention of smuggling at any time therein stated, is sufficient evidence of the fact until the contrary is shown.

Evidence on trial  
for defamation.

**638.** ON the trial of a person charged with the unlawful publication of defamatory matter which is contained in a periodical, after evidence sufficient in the opinion of the Court has been given of the publication by the accused person of the number or part of the periodical containing the matter complained of, other writings or prints purporting to be other numbers or parts of the same periodical previously or subsequently published, and containing

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a printed statement that they were published by or for the accused person, are admissible in evidence on either side, without further proof of publication of them.

**639.** ON the trial of a person charged with stealing, while employed in the Public Service, money which was the property of His Majesty, or which came into his possession by virtue of his employment, or charged with stealing, while a clerk or servant, money which was the property of his employer, or which came into his possession on account of his employer, an entry in any book of account kept by the accused person, or kept in, under, or subject to his charge or supervision, purporting to be an entry of the receipt of any money, is evidence that the money so purporting to have been received was so received by him.

Evidence on certain charges of stealing money.

On the trial of a person charged with any such offence, it is not necessary to prove the stealing by the accused person of any specific sum of money, if, on examination of the books of account or entries kept or made by him, or kept or made in, under, or subject to his charge or supervision, or by any other evidence, there is proof of a general deficiency, and if the jury are satisfied that the accused person stole the deficient money or any part of it.

**640.** ON the trial of a person charged with any offence relating to any seal or stamp used for the purposes of the public revenue, or of the post office in any part of His Majesty's dominions, or in any foreign State, a despatch from one of His Majesty's principal Secretaries of State, transmitting to the Governor any stamp, mark, or impression, and stating it to be a genuine stamp, mark, or impression of a die, plate, or other instrument, provided, made, or used by or under the direction of the proper authority of the country in question, for the purpose of expressing or denoting any stamp duty or postal charge, is admissible as evidence of the facts stated in the despatch; and the stamp, mark, or impression, so transmitted may be used by the Court and jury and by witnesses for the purposes of comparison.

Evidence on charges relating to seals and stamps.

**641.** ON the trial of a person charged with any offence of which an intent to injure or deceive or defraud, or an intent to enable another person to deceive or defraud, is an element, it is not necessary to prove an intent to injure or deceive or defraud any particular person or an intent to enable any particular person to deceive or defraud any particular person.

Intention to defraud.

**642.** AN accused person may admit on the trial any fact alleged against him, and such admission is sufficient proof of the fact without other evidence.

Admissions.

## CHAPTER



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## CHAPTER LXV.—VERDICT : JUDGMENT.

Accused person insane during trial.

**643.** IF on the trial of any person charged with an indictable offence it is alleged or appears that he is not of sound mind, the jury are to be required to consider the matter, and if the jury find that he is not of sound mind, the finding is to be recorded, and thereupon the Court is required to order him to be kept in strict custody, in such place and in such manner as the Court thinks fit, until he is dealt with under the laws relating to insane persons.

A person so found to be not of sound mind may be again indicted and tried for the offence.

Discharge of persons acquitted.

**644.** IF the jury find that the accused person is not guilty, or give any other verdict which shows that he is not liable to punishment, he is entitled to be discharged from the charge of which he is so acquitted.

Acquittal on ground of insanity.

**645.** PROVIDED that if, on the trial of a person charged with any indictable offence, it is alleged or appears that he was not of sound mind at the time when the act or omission alleged to constitute the offence occurred, the jury are to be required to find specially, if they find that he is not guilty, whether he was of unsound mind at the time when such act or omission took place, and to say whether he is acquitted by them on account of such unsoundness of mind; and if they find that he was of unsound mind, at the time when such act or omission took place, and say that he is acquitted by them on account of such unsoundness of mind, the Court is required to order him to be kept in strict custody in such place and in such manner as the Court thinks fit, until His Majesty's pleasure is known.

In any such case the Governor, in the name of His Majesty, may give such order for the safe custody of such person during his pleasure, in such place of confinement and in such manner as the Governor in Council may think fit.

Convicted person to be called on to show cause.

**646.** WHEN an accused person pleads that he is guilty of any offence, and when, upon trial, an accused person is convicted of any offence, the proper officer is required to ask him whether he has anything to say why sentence should not be passed upon him : But an omission to do so does not invalidate the judgment.

Arrest of judgment.

**647.** A PERSON convicted of an indictable offence, whether on his plea of guilty or otherwise, may at any time before sentence move that judgment be arrested on the ground that the indictment does not disclose any offence.

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Upon the hearing of the motion, the Court may allow any such amendments of the indictment as it might have allowed before verdict.

The Court may either hear and determine the motion forthwith or may reserve the question of law for the consideration of the Supreme Court as hereinafter provided.

**648.** IF a motion to arrest the judgment is not made or is dismissed, the Court may either pass sentence upon the offender forthwith or may discharge him on his recognisance, as hereinbefore provided, conditioned that he shall appear and receive judgment at some future sittings of the Court, or when called upon. Sentence.

If the trial was had in a Circuit Court, the recognisance may, in the discretion of the Court, be conditioned to appear and receive judgment before the Supreme Court at some fixed future time, or when called upon.

If sentence is not passed forthwith, any Judge of the Court may, at any subsequent sitting of the Court at which the offender is present, pass sentence upon him.

The Court may, before passing sentence, receive such evidence as it thinks fit in order to inform itself as to the sentence proper to be passed.

**649.** THE sentence to be pronounced upon a person who is convicted of a crime punishable with death is that he be returned to his former custody, and that, at a time and place to be appointed by the Governor in Council, he be hanged by the neck until he is dead. Sentence of death.

**650.** PROVIDED that when a person is convicted of any crime punishable with death, except treason and wilful murder, if the Court is of opinion that, under the circumstances of the case, it is proper that the offender should be recommended for the Royal mercy, the Court may, if it thinks fit, direct the proper officer, instead of asking the offender whether he has anything to say why sentence of death should not be passed upon him, to ask the offender, and thereupon such officer is to ask the offender, whether he has anything to say why judgment of death should not be recorded against him. Recording sentence of death.

In any such case the Court may abstain from pronouncing sentence of death, and may, instead thereof, order judgment of death to be entered on record.

And thereupon the proper officer is to enter judgment of death on record against the offender in the usual form, as if sentence of death had actually been pronounced by the Court against the offender in open Court.

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A record of a judgment of death so entered has the same effect in all respects as if sentence of death had been pronounced in open Court.

Pregnant women.

**651.** WHEN sentence of death is passed upon a woman, she may apply for an order to stay execution on the ground that she is with child of a quick child.

If such an application is made, the Court is required to direct one or more legally qualified medical practitioners to be sworn to examine the woman in some private place either together or successively, and to ascertain whether she is with child of a quick child or not.

If upon his or their report, verified on oath, it appears that she is with child of a quick child, the Court is required to order that execution of the sentence be respited until she is delivered of a child or until it is no longer possible, in the course of nature, that she should be delivered.

Whipping.

**652.** WHEN an offender is sentenced to whipping, the Court is required to give directions in the sentence as to the whipping. The number of strokes, which may not exceed twenty-five, and, in the case of an offender under the age of sixteen years, may not exceed twelve, and the instrument with which they are to be given, must be specified in the sentence.

The instrument must be either a birch rod, a cane, a leather strap, or the instrument commonly called a cat, which shall be made of leather or cord without any metallic substance interwoven therewith : Provided that the cat shall not be used in the case of an offender under the age of sixteen years.

Police supervision.

**653.** (1.) WHEN any person is convicted upon an indictment of a crime, after a previous conviction of a crime, the Court may, in addition to any other punishment, direct that such person be subject to the supervision of the police for two years, or for such less period as the Court may direct, commencing immediately after the expiration of the sentence passed on him for the last of such crimes.

(2.) Any person subject to the supervision of the police, who is at large in Western Australia, is required to notify his place of residence to the police officer in charge of the police district where he resides, and whenever he changes his residence within the same district to notify such change to the police officer in charge of the district, and whenever he is about to leave the police district to notify his intention to the police officer in charge of the district, stating the place to which he is going, and, if required, and so far as is practicable, his address at that place, and whenever he arrives



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**Whipping.**

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The instrument must be either a birch rod, a cane, a leather strap, or the instrument commonly called a cat, which shall be made of leather or cord without any metallic substance interwoven therewith : Provided that the cat shall not be used in the case of an offender under the age of sixteen years.

**Police supervision.**

**653.** (1.) WHEN any person is convicted upon an indictment of a crime, after a previous conviction of a crime, the Court may, in addition to any other punishment, direct that such person be subject to the supervision of the police for two years, or for such less period as the Court may direct, commencing immediately after the expiration of the sentence passed on him for the last of such crimes.

(2.) Any person subject to the supervision of the police, who is at large in Western Australia, is required to notify his place of residence to the police officer in charge of the police district where he resides, and whenever he changes his residence within the same district to notify such change to the police officer in charge of the district, and whenever he is about to leave the police district to notify his intention to the police officer in charge of the district, stating the place to which he is going, and, if required, and so far as is practicable, his address at that place, and whenever he arrives

*Criminal Code.*

arrives in any police district to forthwith notify his place of residence to the police officer in charge of such last mentioned district.

(3.) Any person failing to comply with the requirements of this section, is guilty of an offence, and is liable on summary conviction to imprisonment with hard labour for one year.

It is a defence to a charge of an offence defined in this section to prove that the accused person, being on a journey, tarried no longer in the place in which he is charged with failing to notify his place of residence than was reasonably necessary, or that otherwise he did his best to act in conformity with the law.

**654.** (1.) WHEN upon the trial of any person on a charge of any offence not punishable with more than three years imprisonment, with or without any alternative punishment, such person shall plead guilty, or the Court shall think the offence proved, if it appears to the Court that regard being had to the youth, character, or antecedents of the offender, or the trivial nature of the offence, or to any extenuating circumstances under which the offence was committed, it is inexpedient to inflict any punishment, and provided that no previous conviction is proved against the offender,—

First offenders.

(a.) The Court may, without proceeding to conviction, dismiss the information or complaint and make an order to that effect, and if the Court thinks fit may, upon such dismissal, order the offender to make restitution of any property in respect of which the offence was committed, or to pay compensation for any injury done to such property, or compensation for any injury done to any person injured, as the case may be, and may assess the amount to be paid by the offender in any such case with such costs of the prosecution as the Court may think reasonable, and may direct when and to whom and in what instalments the amount ordered to be paid is to be paid, and such order may be enforced in the same manner as orders made by justices on summary conviction; or

(b.) The Court may convict the offender and discharge him conditionally on his entering into a recognisance with or without sureties, and during such period as the Court may direct, to appear and receive judgment when called upon, and, in the meantime to keep the peace and be of good behaviour, and either without payment of damages and costs as aforesaid, or subject to the payment of such damages and costs, or either of them, as the Court may think reasonable.

(2.)

*Criminal Code.*

A record of a judgment of death so entered has the same effect in all respects as if sentence of death had been pronounced in open Court.

**Pregnant women.** **651.** WHEN sentence of death is passed upon a woman, she may apply for an order to stay execution on the ground that she is with child of a quick child.

If such an application is made, the Court is required to direct one or more legally qualified medical practitioners to be sworn to examine the woman in some private place either together or successively, and to ascertain whether she is with child of a quick child or not.

If upon his or their report, verified on oath, it appears that she is with child of a quick child, the Court is required to order that execution of the sentence be respited until she is delivered of a child or until it is no longer possible, in the course of nature, that she should be delivered.

**Whipping.** **652.** WHEN an offender is sentenced to whipping, the Court is required to give directions in the sentence as to the whipping. The number of strokes, which may not exceed twenty-five, and, in the case of an offender under the age of sixteen years, may not exceed twelve, and the instrument with which they are to be given, must be specified in the sentence.

The instrument must be either a birch rod, a cane, a leather strap, or the instrument commonly called a cat, which shall be made of leather or cord without any metallic substance interwoven therewith : Provided that the cat shall not be used in the case of an offender under the age of sixteen years.

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(2.) Any person subject to the supervision of the police, who is at large in Western Australia, is required to notify his place of residence to the police officer in charge of the police district where he resides, and whenever he changes his residence within the same district to notify such change to the police officer in charge of the district, and whenever he is about to leave the police district to notify his intention to the police officer in charge of the district, stating the place to which he is going, and, if required, and so far as is practicable, his address at that place, and whenever he arrives

*Criminal Code.*

arrives in any police district to forthwith notify his place of residence to the police officer in charge of such last mentioned district.

(3.) Any person failing to comply with the requirements of this section, is guilty of an offence, and is liable on summary conviction to imprisonment with hard labour for one year.

It is a defence to a charge of an offence defined in this section to prove that the accused person, being on a journey, tarried no longer in the place in which he is charged with failing to notify his place of residence than was reasonably necessary, or that otherwise he did his best to act in conformity with the law.

**654.** (1.) WHEN upon the trial of any person on a charge of any offence not punishable with more than three years imprisonment, with or without any alternative punishment, such person shall plead guilty, or the Court shall think the offence proved, if it appears to the Court that regard being had to the youth, character, or antecedents of the offender, or the trivial nature of the offence, or to any extenuating circumstances under which the offence was committed, it is inexpedient to inflict any punishment, and provided that no previous conviction is proved against the offender,—

*First offenders.*

(a.) The Court may, without proceeding to conviction, dismiss the information or complaint and make an order to that effect, and if the Court thinks fit may, upon such dismissal, order the offender to make restitution of any property in respect of which the offence was committed, or to pay compensation for any injury done to such property, or compensation for any injury done to any person injured, as the case may be, and may assess the amount to be paid by the offender in any such case with such costs of the prosecution as the Court may think reasonable, and may direct when and to whom and in what instalments the amount ordered to be paid is to be paid, and such order may be enforced in the same manner as orders made by justices on summary conviction; or

(b.) The Court may convict the offender and discharge him conditionally on his entering into a recognisance with or without sureties, and during such period as the Court may direct, to appear and receive judgment when called upon, and, in the meantime to keep the peace and be of good behaviour, and either without payment of damages and costs as aforesaid, or subject to the payment of such damages and costs, or either of them, as the Court may think reasonable.

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If upon his or their report, verified on oath, it appears that she is with child of a quick child, the Court is required to order that execution of the sentence be respited until she is delivered of a child or until it is no longer possible, in the course of nature, that she should be delivered.

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The instrument must be either a birch rod, a cane, a leather strap, or the instrument commonly called a cat, which shall be made of leather or cord without any metallic substance interwoven therewith : Provided that the cat shall not be used in the case of an offender under the age of sixteen years.

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(2.) Any person subject to the supervision of the police, who is at large in Western Australia, is required to notify his place of residence to the police officer in charge of the police district where he resides, and whenever he changes his residence within the same district to notify such change to the police officer in charge of the district, and whenever he is about to leave the police district to notify his intention to the police officer in charge of the district, stating the place to which he is going, and, if required, and so far as is practicable, his address at that place, and whenever he arrives

*Criminal Code.*

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(3.) Any person failing to comply with the requirements of this section, is guilty of an offence, and is liable on summary conviction to imprisonment with hard labour for one year.

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(b.) The Court may convict the offender and discharge him conditionally on his entering into a recognisance with or without sureties, and during such period as the Court may direct, to appear and receive judgment when called upon, and, in the meantime to keep the peace and be of good behaviour, and either without payment of damages and costs as aforesaid, or subject to the payment of such damages and costs, or either of them, as the Court may think reasonable.

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*Criminal Code.*

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*Criminal Code.*

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(b.) The Court may convict the offender and discharge him conditionally on his entering into a recognisance with or without sureties, and during such period as the Court may direct, to appear and receive judgment when called upon, and, in the meantime to keep the peace and be of good behaviour, and either without payment of damages and costs as aforesaid, or subject to the payment of such damages and costs, or either of them, as the Court may think reasonable.

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*Criminal Code.*

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The instrument must be either a birch rod, a cane, a leather strap, or the instrument commonly called a cat, which shall be made of leather or cord without any metallic substance interwoven therewith : Provided that the cat shall not be used in the case of an offender under the age of sixteen years.

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(2.) Any person subject to the supervision of the police, who is at large in Western Australia, is required to notify his place of residence to the police officer in charge of the police district where he resides, and whenever he changes his residence within the same district to notify such change to the police officer in charge of the district, and whenever he is about to leave the police district to notify his intention to the police officer in charge of the district, stating the place to which he is going, and, if required, and so far as is practicable, his address at that place, and whenever he arrives

*Criminal Code.*

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(3.) Any person failing to comply with the requirements of this section, is guilty of an offence, and is liable on summary conviction to imprisonment with hard labour for one year.

It is a defence to a charge of an offence defined in this section to prove that the accused person, being on a journey, tarried no longer in the place in which he is charged with failing to notify his place of residence than was reasonably necessary, or that otherwise he did his best to act in conformity with the law.

**654.** (1.) WHEN upon the trial of any person on a charge of any offence not punishable with more than three years imprisonment, with or without any alternative punishment, such person shall plead guilty, or the Court shall think the offence proved, if it appears to the Court that regard being had to the youth, character, or antecedents of the offender, or the trivial nature of the offence, or to any extenuating circumstances under which the offence was committed, it is inexpedient to inflict any punishment, and provided that no previous conviction is proved against the offender,—

First offenders.

(a.) The Court may, without proceeding to conviction, dismiss the information or complaint and make an order to that effect, and if the Court thinks fit may, upon such dismissal, order the offender to make restitution of any property in respect of which the offence was committed, or to pay compensation for any injury done to such property, or compensation for any injury done to any person injured, as the case may be, and may assess the amount to be paid by the offender in any such case with such costs of the prosecution as the Court may think reasonable, and may direct when and to whom and in what instalments the amount ordered to be paid is to be paid, and such order may be enforced in the same manner as orders made by justices on summary conviction; or

(b.) The Court may convict the offender and discharge him conditionally on his entering into a recognisance with or without sureties, and during such period as the Court may direct, to appear and receive judgment when called upon, and, in the meantime to keep the peace and be of good behaviour, and either without payment of damages and costs as aforesaid, or subject to the payment of such damages and costs, or either of them, as the Court may think reasonable.

(2.)

*Criminal Code.*

(2.) Any order of dismissal or conviction and conditional discharge under the provisions of this section is a bar to all further or other proceedings, civil or criminal, for the same cause.

(3.)—

(a.) If it is proved to the Court having power to deal with the offender in respect of his original offence, or to any other justices, that the offender has failed to observe any of the conditions of his recognisance, the Court or justices may forfeit the recognisance and issue a warrant for his apprehension.

(b.) The offender, when apprehended on any such warrant, if not brought before the Court having power to sentence him, is required to be brought before two justices, who may either remand him by warrant until the time at which he was required by his recognisance to appear for judgment, or until the sitting of a Court having power to deal with the original offence, or may admit him to bail with a sufficient surety conditional on his appearing for judgment.

(c.) The offender when so remanded may be committed to any prison near the place where he is bound to appear for judgment; and the warrant of remand must order him to be brought before the Court before which he was bound to appear for judgment, or to answer as to his conduct since his release.

(4.) The term "Court" in this section includes a Court of summary jurisdiction.

Juvenile offenders  
or aboriginal  
natives may be sen-  
tenced to whipping.

**655.** ANY convicted offender under the age of sixteen years, or being any aboriginal native, and being a male, may, in addition to or in substitution for any other punishment, be sentenced to whipping.

Discharge of  
offender in certain  
cases.

**656.** WHEN a person is summarily convicted of any offence relating to property, the justices may discharge the offender without inflicting any punishment upon his making such satisfaction to the person aggrieved for damages, with or without costs, as may be approved by the justices.

When such satisfaction has been made, the offender is not liable to any civil proceedings for the same cause at the suit of the person aggrieved.

657.

*Criminal Code.*

**657.** ON a summary conviction by which any penalty is imposed upon the basis of the value of any property taken, killed, or destroyed, or of the amount of any injury done to any property, such value or amount is to be assessed by the convicting justices, and the amount, when recovered, is to be paid to the person aggrieved, unless he is unknown, or unless the property taken or injured is of a public nature; in either of which cases it is to be applied in the same manner as other fines imposed by justices:

Assessment of value of property: Appropriation of fines dependent on value.

Provided that when several persons join in the commission of the same offence, and on conviction a penalty is imposed upon each of them upon the basis of the value of the property or of the amount of the injury, no further sum than such value or amount is to be paid to the person aggrieved, and the remainder is to be applied in the same manner as other fines imposed by justices.

**658.** WHEN a person has been summarily convicted of an indictable offence, the conviction is to be deemed a conviction of a simple offence only, and not of an indictable offence.

Effect of summary conviction for indictable offences.

## CHAPTER LXVI.—COSTS.

**659.** WHEN a person is convicted on indictment of any indictable offence relating to the person of any person, the Court, on the application of the person aggrieved by the offence, may, in addition to any sentence which is passed upon the offender, adjudge him to pay to the person aggrieved his costs of prosecution, together with a sum by way of compensation for any loss of time suffered by him by reason of the offence of which the offender is convicted.

Costs of prosecution in certain cases.

An order for the payment of such costs, or of any sum so awarded by way of compensation, may be enforced in the same manner as a judgment of the Court given in an action.

If any money was found on the person of the offender on his arrest, the Court may order it to be applied towards the payment of any money so ordered to be paid by him.

When an order is made under the provisions of this section for the payment of money by way of compensation to an aggrieved person, the offender is not liable to any civil proceedings for the same cause at the suit of that person.

**660.** (1.) IN the case of a prosecution of any person on the complaint of a private prosecutor on a charge of the unlawful publication of defamatory matter, if the accused person is indicted and acquitted he is entitled to recover from the prosecutor his costs of defence, unless the Court otherwise orders.

Costs in case of defamation.

(2.)



*Criminal Code.*

(2.) In the case of a prosecution of any person on the complaint of a private prosecutor on a charge of the unlawful publication of defamatory matter, if the accused person pleads that the defamatory matter was true, and that it was for the public benefit that the publication should be made, then, if that issue is found for the Crown, the prosecutor is entitled to recover from the accused person the costs sustained by him by reason of such plea, unless the Court otherwise orders.

**Taxation.**

**661.** COSTS of a prosecution or defence must be taxed by the proper officer of the Court in which the indictment is presented.

If the indictment is presented in a Circuit Court, the costs must be taxed by the proper officer of the Supreme Court.

The term "costs of prosecution" includes costs incurred by the person aggrieved in order to the committal of the offender, and costs incurred by him with the consent of the Crown for the purposes of the trial.

The term "costs of defence" includes costs incurred by the accused person both before and after his committal.

**Enforcement of judgment of Circuit Court.**

**662.** WHEN an order is made by a Circuit Court under the provisions of this chapter, it may be recorded in the Supreme Court, and may then be enforced in the same manner as a judgment of that Court given in an action.

**CHAPTER LXVII.—EXECUTION OF SENTENCE.****Execution of sentence of death.**

**663.** THE punishment of death is executed by hanging the offender by his neck until he is dead. The execution, except in the case of an aboriginal native offender, is required to take place within the walls or enclosed yard of a prison. The time and place of execution are to be appointed by the Governor.

The sheriff, or under sheriff, or a deputy appointed by the sheriff, is required to be present at the execution, together with the superintendent or gaoler and proper officers of the prison, including the medical officer. All justices who may think fit, and such police officers, military troops, and adult spectators as the sheriff, under sheriff, or such deputy, may think fit may also be present.

All the persons attending the execution are required to remain in the enclosure until execution has been done according to law, and until the medical officer has signed a certificate in the form following, that is to say:—

I (A.B.), being the medical officer of the prison at \_\_\_\_\_,  
do hereby certify that I have this day witnessed the  
execution

*Criminal Code.*

execution of C.D., lately, as I am informed, convicted and duly sentenced to death at the Court; and I further certify that the said C.D. was, in pursuance of such sentence, hanged by the neck until he was dead.

Given under my hand this day of ,  
in the year

The sheriff, or under sheriff, or such deputy, and the superintendent, or gaoler, and officers of the prison, and the police officers who are present, are required to subscribe, and such other persons as aforesaid who are present may subscribe, before their departure from the prison, a declaration in the form following, adding their description, that is to say :--

We, the undersigned, do hereby declare and testify that we were this day present when the extreme penalty of the law was executed on C.D., lately, as we are informed, convicted at the Court, and duly sentenced to death on the day of ; and that the said C.D. was, in pursuance of such sentence, hanged by the neck until he was dead.

Every such certificate and declaration is to be transmitted by the sheriff, or under sheriff, or such deputy, whichever is present at the execution, to the Registrar of the Supreme Court at Perth, and is to be entered and kept in his office as a record of the Court, and a copy of it is to be twice published in the *Government Gazette*.

The body of the offender is to be buried at such place as the Colonial Secretary may direct.

The punishment of death in the case of an aboriginal native offender may be carried out at such place as may be appointed by the Governor, and if the place appointed be without the walls of a prison, the foregoing provisions, except as to the means of execution, do not apply, but the execution is required to take place in public, and in accordance with regulations prescribed by the Colonial Secretary.

**664.** IN any case in which the Governor is authorised to extend the Royal mercy conditionally to an offender under sentence of death, he may extend mercy on condition of the offender being imprisoned, with or without hard labour, for such term as the Governor may think fit.

Commutation of  
capital sentence.

Any such extension of mercy is to be signified in writing to the Colonial Secretary, and the Colonial Secretary is required thereupon to allow the offender the benefit of a conditional pardon, and to make an order that he be imprisoned with or without hard labour, according to the direction of the Governor. Such allowance or order has the effect of a valid sentence passed by the Court before which the offender was convicted.

665.

*Criminal Code.*

Whipping.

**665.** THE punishment of whipping is not in any case to be inflicted after the expiration of six months from the passing of the sentence.

The punishment of whipping, except in the case of a boy under the age of sixteen, summarily convicted, and except in the case of an aboriginal native, must be inflicted in some gaol or prison, and no person who is not officially connected with the gaol or prison may be present at the infliction of the punishment.

The punishment of whipping in the case of a boy under the age of sixteen, summarily convicted, must be inflicted privately.

The punishment of whipping in the case of an aboriginal native must be inflicted in the presence of a justice of the peace, the Protector of Aborigines, or an officer of police not under the rank of sergeant.

The punishment of whipping must be inflicted before the offender is put to any employment or labour at any place outside the walls of any prison in which he is confined.

Levy of fine and costs on conviction for defamation.

**666.** WHEN any person is convicted of the unlawful publication of any defamatory matter which was published by means of printing, the prosecutor may levy the fine, if any, and costs out of any property of the offender in like manner as in civil actions, and also out of the whole of the types, presses, or printing materials, which, at the time when the offence was committed, belonged to any person to whom any types, presses, or printing materials, used in printing such defamatory matter, belonged at the time when the offence was committed, to whomsoever the same may belong at the time of the levy.

## CHAPTER LXVIII.—APPEAL : PARDON.

Reservation of points of law.

**667.** ~~WHEN~~ any person is indicted for any indictable offence, the Court before which he is tried must, on the application of counsel for the accused person made before verdict, and may in its discretion, either before or after judgment, without such application, reserve any question of law which arises on the trial for the consideration of the Supreme Court.

If the accused person is convicted, and a question of law has been so reserved before judgment, the Court may either pronounce judgment on the conviction and respite execution of the judgment, or postpone the judgment until the question has been considered and decided, and may either commit the person convicted to prison or admit him to bail on recognisance, with or without sureties, and in such sum as the Court thinks fit, conditioned to appear at such

*Criminal Code.*

such time and place as the Court may direct, and to render himself in execution, or to receive judgment, as the case may be.

The presiding Judge, or Chairman of the Court, is thereupon required to state, in a case signed by him, the question of law so reserved, with the special circumstances upon which it arose ; and the case is to be transmitted to the Supreme Court at Perth.

**668.** ANY question so reserved is to be heard and determined by the Full Court at Perth, after argument by or on behalf of the Crown and the convicted person or persons, if any of them desire that the question shall be argued ; and that Court may— Hearing.

- (a.) Affirm the judgment given at the trial ; or
- (b.) Set aside the verdict and judgment and order a verdict of not guilty or other appropriate verdict to be entered on the record ; or
- (c.) Arrest the judgment ; or
- (d.) Amend the judgment ; or
- (e.) Make such other order as justice may require.

Or the Court may send the case back to be amended or re-stated.

**669.** THE Registrar is required to certify the judgment of the Court, under his hand and the seal of the Court, to the proper officer of the Court in which the trial was had, who is required to enter the same on the original record. Effect of order of Full Court.

If the convicted person is in custody, the Registrar is also required forthwith to transmit another certificate of the same tenor under his hand and the seal of the Court, to the superintendent of the prison who has the custody of such person. Such certificate is a sufficient warrant to all persons for the execution of the judgment, if it is certified to have been affirmed, or as it is certified to be amended, and execution is thereupon to be executed upon the judgment as affirmed or amended : And if the judgment is set aside or arrested, the certificate is a sufficient warrant for the discharge of the convicted person from further imprisonment under that judgment ; and in that case the superintendent is required forthwith to discharge him from imprisonment under that judgment : and if he is at large on bail, the recognisance of bail is to be vacated at the next sittings of the Court in which the trial was had : And, if that Court is directed to pronounce judgment, judgment is to be pronounced at the next sittings of the Court at which the convicted person attends to receive judgment.

**670.** A CONVICTION cannot be set aside upon the ground of the improper admission of evidence, if it appears to the Court that the evidence was merely of a formal character ~~and~~ not material, Certain errors not to avoid conviction.

nor

*(457) amended by  
31 of 1906*

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nor upon the ground of the improper admission of evidence adduced for the defence.

Appeal from arrest  
of judgment.

**671.** WHEN the Court before which an accused person is convicted on indictment arrests judgment, the Court is required, on the application of counsel for the prosecution, to reserve a case for the consideration of the Full Court as hereinbefore provided.

On the hearing of the case, the Court may affirm or reverse the order arresting judgment. If the order is reversed the Court is to direct that judgment be pronounced upon the offender, and he is to be ordered to appear at such time and place as the Court may direct to receive judgment, and any Justice may issue his warrant for the arrest of the offender.

An offender so arrested may be admitted to bail by order of the Supreme Court or a Judge thereof, which may be made at the time when the order directing judgment to be pronounced is made, or afterwards.

Appeal from sum-  
mary conviction.

**672.** ANY person aggrieved by a summary conviction of any of the offences defined in this code may appeal in the manner and form and on the terms prescribed in the Police Acts, and in the statutes relating to justices of the peace, their powers and authorities.

All appeals from summary convictions within a Circuit Court District must be heard and determined by the Circuit Court.

All cases stated by a Court of summary jurisdiction upon questions of law must be heard and determined by the Full Court.

Conditional remis-  
sion of sentence by  
Governor.

**673.** IN any case in which the Governor is authorised, on behalf of His Majesty, to extend the Royal mercy to an offender under sentence of imprisonment with or without hard labour, he may extend mercy upon condition of the offender entering into a recognisance conditioned as in the case of offenders discharged by the Court upon suspension of the execution of a sentence. The offender is thereupon liable to the same obligations and is liable to be dealt with in all respects in the same manner, as a person discharged by the Court on recognisance upon such suspension.

Pardon in case of  
imprisonment for  
non-payment of  
money.

**674.** THE Governor may extend the Royal mercy to any person imprisoned upon conviction of any of the offences defined in chapters forty-four and forty-seven, although he is imprisoned for non-payment of money which is payable to some private person.

Effect of pardon.

**675.** A PARDON by the Governor, on behalf of His Majesty, has the effect of discharging the convicted person from the consequences of the conviction.

CHAPTER

*Criminal Code.*CHAPTER LXIX.—SUMMARY TRIAL OF CHILDREN  
UNDER TWELVE.

**676.** (1.) A CHILD who is charged with committing or attempting to commit any indictable offence other than treason, wilful murder, murder, or manslaughter, and whose age at the time of the commission or attempted commission of the offence did not, in the opinion of the justices before whom he is brought, exceed the age of twelve years, may be tried in a summary manner before two justices, if they think it expedient so to do, and if the parent or guardian of the child so charged, when informed of his right to have the child tried by jury, consents to the case being dealt with summarily.

*Summary jurisdiction of Justices in case of indictable offences committed by children not more than twelve years of age.*

In any such case the justices may, except as hereinafter provided, award the same kind of punishment as might have been awarded if the offender had been convicted on indictment.

Provided that—

- (a.) When imprisonment is awarded, the term of imprisonment cannot exceed one month ;
- (b.) When a fine is imposed, the amount cannot exceed Forty shillings ; and
- (c.) When the child is a male, the justices may, either in addition to or instead of any other punishment, adjudge that the child be, as soon as practicable, privately whipped with not more than six strokes of a birch rod, cane, or leather strap, in the presence of some police officer of higher rank than a constable, and also in the presence, if he desires to be present, of the parent or guardian of the child.

(2.) If, when a child is charged before justices with committing or attempting to commit an indictable offence, the parent or guardian of the child is not present, the justices may remand the child for the purpose of causing notice to be served on such parent or guardian in order, if practicable, to secure his attendance at the hearing of the charge ; or they may proceed to deal with the case summarily under the provisions of this section.

(3.) If the parent or guardian of the child is present, then, whenever during the hearing of the charge the justices become satisfied by the evidence that it is expedient to deal with the case summarily under the provisions of this section, they are required to cause the charge to be reduced into writing and read to the parent

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parent or guardian of the child, and then to address a question to such parent or guardian to the following effect :—

Do you desire the child to be tried by a jury, or do you consent to the case being dealt with summarily ?

adding a statement, if they think such statement desirable for the information of the parent or guardian, of the meaning of the case being dealt with summarily, and also a statement of the sittings of the Court at which the child will be tried if he is committed for trial by a jury.

(4.) The provisions of this section do not render punishable for an offence any child who is not, in the opinion of the justices before whom he is charged, above the age of seven years and of sufficient capacity to commit the offence in question.

(5.) The provisions of this section do not affect any power of justices under any Statute to send a child to an industrial or reformatory school, and they may exercise such power instead of dealing with him summarily under this section.

## CHAPTER LXX.—SUMMARY TRIAL OF YOUNG PERSONS.

Summary jurisdiction of justices in case of indictable offences committed by young persons.

**677.** WHEN a young person is charged with committing or attempting to commit any indictable offence other than treason, wilful murder, murder, or manslaughter, and whose age at the time of the commission or attempted commission of the offence was over twelve years but did not, in the opinion of the justices before whom he is brought, exceed the age of sixteen years, the justices may deal with the charge summarily.

The offender is liable on such summary conviction to imprisonment with hard labour for three months, or to a fine of Ten pounds ; and if the offender is a male the justices may, either in addition to or instead of any other punishment, adjudge that the offender be, as soon as practicable, privately whipped with not more than twelve strokes of a birch rod, cane, or leather strap, in the presence of some police officer of higher rank than a constable, and also in the presence, if he desires to be present, of the parent or guardian of the offender.

Procedure.

**678.** (1.) BEFORE the accused young person is asked to show cause why he should not be convicted, the justices are required to explain to him that he is entitled to be tried by a jury, and is not obliged to make any defence before them, and to ask whether he objects to the charge being dealt with summarily, adding a statement of the meaning of the case being dealt with summarily, and  
also

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also a statement of the sittings of the Court at which the young person will be tried if he is committed for trial by jury.

(2.) If the accused young person does not object to the justices dealing with the charge summarily, the justices are required to reduce the charge to writing, and to read it to the accused young person, and then to ask him whether he is guilty or not guilty of the offence; and if he says that he is guilty they are to convict him of the offence, but if he says that he is not guilty they are required to hear his defence, and then deal with the charge summarily.

(3.) If the accused young person is charged with obtaining or procuring the delivery of anything by a false pretence with intent to defraud, the justices are required, after the charge has been reduced to writing and read to the accused young person, to state in effect that a false pretence means a false representation by words, writing, or conduct that some fact exists or existed, and that a promise as to future conduct not intended to be kept is not by itself a false pretence, and may add such explanation as the justices may deem suitable to the circumstances.

(4.) If the justices find that the charge is proved, they may, whether they impose any punishment or not, order the offender to make restitution of the property, if any, in respect of which the offence was committed, to the owner thereof; and if the property is not at once restored, they may order the offender to pay the amount of its value, to be assessed by them, to the owner, either in one sum or by such instalments, and at such times, as they think fit.

(5.)—

(a.) If it appears that by reason of the accused young person having been previously convicted of some offence, he is liable, on conviction of the offence charged, to imprisonment for a term of more than three years; or

(b.) If for any reason the justices are of opinion that the charge is a fit subject for prosecution by indictment;

the justices are required to abstain from dealing with the case summarily.

(6.) The provisions of this section do not affect the right of justices under any Statute to send a young person to an industrial or reformatory school, and they may exercise such powers instead of dealing with him summarily under this section.

CHAPTER



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## CHAPTER LXXI.—SEIZURE AND DETENTION OF PROPERTY CONNECTED WITH OFFENCES: CUSTODY OF WOMEN UNLAWFULLY DETAINED FOR IMMORAL PURPOSES: RESTITUTION OF PROPERTY UNLAWFULLY ACQUIRED.

Search warrant.

**679.** IF it appears to a justice, on complaint made on oath that there are reasonable grounds for suspecting that there is in any house, vessel, or place—

- (a.) Anything with respect to which any offence which is such that the offender may be arrested without warrant has been or is suspected, on reasonable grounds, to have been committed; or
- (b.) Anything as to which there are reasonable grounds for believing that it will afford evidence as to the commission of any such offence; or
- (c.) Anything as to which there are reasonable grounds for believing that it is intended to be used for the purpose of committing any such offence;

he may issue his warrant directing a police officer or police officers named therein, or all police officers, to search such house, vessel, or place, and to seize any such thing if found, and to take it before a justice to be dealt with according to law.

Any such warrant is to be executed by day, unless the justice, by the warrant, specially authorises it to be executed by night, in which case it may be so executed.

Property found on offenders on arrest.

**680.** WHEN, on the arrest of any person on a charge of an offence relating to property, the property in respect of which the offence is alleged to be committed, is found in his possession, the person arresting him may take such property before a Justice to be dealt with according to law.

Seizure of counterfeit coin, tools for coining, etc.

**681.** IF any person finds in any place whatever, or in the possession of any person who has the same without lawful authority or excuse—

- (a.) Any counterfeit gold, silver, or copper coin; or
- (b.) Any tool, instrument, or machine adapted and intended for making any such counterfeit coin; or
- (c.) Any filings or clippings of gold or silver, or any gold or silver in bullion, dust, solution, or any other state, which are or is suspected, on reasonable grounds, to have been obtained by dealing with any current gold or silver coin in such a manner as to diminish its weight;

the person who so finds the same may seize the thing or things found, and to take the same forthwith before a justice to be dealt with according to law.

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**682.** WHEN anything is seized or taken under the provisions of this Code, the person seizing or taking it is required forthwith to carry it before a justice. Disposal of property seized.

The justice may cause the thing so seized or taken to be detained in such custody as he may direct, taking reasonable care for its preservation, until the conclusion of any investigation that may be held with respect to it; and, if any person is committed for trial for any offence committed with respect to the thing so seized or taken, or committed under such circumstances that the thing so seized or taken is likely to afford evidence at the trial, he may cause it to be further detained in like manner for the purpose of being produced in evidence at such trial.

If no person is so committed, the justice is required to direct that the thing be returned to the person from whom it was taken unless he is authorised or required by law to dispose of it otherwise.

If the thing so seized or taken is anything forged or counterfeit, or is of such a nature that a person who has it in his possession without lawful authority or excuse is guilty of an offence, then if any person is committed for trial for any offence committed with respect to it or committed under such circumstances as aforesaid, and is convicted, the Court before which he is convicted, or, in any other case, any justice, may cause it to be defaced or destroyed.

If the thing so seized or taken is of such a nature that a person who has it in his possession, knowing its nature and without lawful authority or excuse, is guilty of an offence, then, as soon as it appears that it will not be required, or further required, in evidence against the person who had it in his possession, it is to be delivered to the Treasurer, or some person authorised by him to receive it.

**683.** IF the thing seized or taken is an explosive substance found in a vessel or vehicle, the person acting in the execution of the warrant may for twenty-four hours after seizure, and for such longer time as is necessary for the purpose of removal to a safe place of deposit, use the vessel or the vehicle, with the tackle and furniture thereof, or the beasts and accoutrements belonging thereto, as the case may be, paying afterwards to the owner of the vessel or vehicle a sufficient recompense for its use, which is to be assessed by the justice or justices before whom the suspected offender is brought, and, in case of non-payment immediately after such assessment, may be recovered before two justices in a summary way. Explosives.

**684.** IF it appears to a justice, on complaint made on oath by a parent, relative, or guardian of a woman or girl, or any other person who, in the opinion of the justice, is acting in good faith in the interest of a woman or girl, that there is reasonable cause to suspect Women detained for immoral purposes.

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suspect that such woman or girl is unlawfully detained for immoral purposes by any person in any place within his jurisdiction, he may issue a warrant directed to a police officer, and authorising him to search for such woman or girl, and, when found, to take her to and detain her in a place of safety until she can be brought before a justice; and the justice before whom she is brought may cause her to be delivered up to her parents or guardians, or otherwise dealt with as the circumstances may permit and require.

The Justice issuing the warrant may, by the same or any other warrant, direct any person accused of so unlawfully detaining the woman or girl to be arrested and brought before a justice, and may direct proceedings to be taken for punishing him according to law.

A woman or girl is deemed to be unlawfully detained for immoral purposes if she—

- (a.) Is under the age of seventeen years; or
- (b.) Being of or over the age of seventeen years, and under the age of eighteen years, is so detained against her will, or against the will of her father or mother, or of any other person who has the lawful care or charge of her; or
- (c.) Being of or above the age of eighteen years, is so detained against her will;

and, in either case, is detained by any person in order to her being unlawfully carnally known by any man, whether a particular man or not.

A person authorised by warrant under this section to search for a woman or girl may enter, and if need be, by force, any house or other place specified in the warrant, and may remove the woman or girl therefrom.

The warrant must be executed by the police officer mentioned in it, who must, unless the justice otherwise directs, be accompanied by the parent, relative, guardian, or other person by whom the complaint is made, if such person so desires.

Restitution of  
property.

**685.** WHEN a person is prosecuted, on the complaint of the owner of property, or any person on whom the right to property has devolved by operation of law, on a charge of an indictable offence of which the unlawful acquisition of the property by him is an element, and is convicted of the offence on indictment, the Court may order the property to be restored to the owner.

Such an order has the effect of a judgment, and is binding on the offender, and any person claiming through him as determining the ownership of the property, but as regards any other person has the effect only of changing the possession of the property, and does not affect any right of property or right of action.

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In any such case the Court before which the offender is convicted may order that any personal property which is found in his possession, and which appears to the Court to have been derived, directly or indirectly, from such unlawful acquisition of property, shall be delivered to any person who appears to the Court to be entitled to the property so unlawfully acquired.

This section does not apply to a valuable security if it appears that the security has been paid or discharged in good faith by some person liable to the payment thereof, or being a negotiable instrument, has been taken or received by transfer or delivery in good faith by some person for a valuable consideration, without any notice, and without any reasonable cause to suspect that the same had been so unlawfully acquired.

**686.** WHEN a person has been convicted on indictment or summarily of stealing, and the offender has sold the stolen property to any person, and such person had no knowledge that the property was stolen, and any money was taken from the offender on his apprehension, the Court, on the application of such purchaser, and on restitution of the stolen property to the owner, may order that out of such money a sum not exceeding the amount of the proceeds of such sale may be delivered to the purchaser.

Money found on prisoner may be paid to purchaser of stolen property on restitution.

CHAPTER LXXII.—INFORMATIONS BY PRIVATE PERSONS FOR  
INDICTABLE OFFENCES: EX OFFICIO INDICTMENTS.

**687.** ANY person may, by leave of the Supreme Court, present an information against any other person for any indictable offence not punishable with death, alleged to have been committed by such other person.

Information by leave of the Court by private prosecutors.

An information presented by leave of the Court is to be signed by the person on whose application the leave is granted, or some other person appointed by the Court in that behalf, and filed in the Supreme Court.

The person who signs the information is called the prosecutor.

The information is to be intituled "The King on the prosecution of the prosecutor (naming him) against the accused person" (naming him), and must state that the prosecutor informs the Court by leave of the Court.

Except as otherwise expressly provided, the information and the proceedings upon it are subject to the same rules and incidents in all respects as an indictment presented by a Crown Law officer and the proceedings upon such an indictment as hereinbefore set forth.

**688.** BEFORE the information is presented, the prosecutor is to be required to give security in such amount and in such manner

Security to be given by prosecutor for costs of defence.

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manner as the Court on giving leave to present the information may direct, that he will prosecute the information without delay, and will pay to the accused person such costs incurred by him in respect of his defence to the charge as the Court may order him to pay.

Service of information.

**689.** AN office copy of the information is to be served upon the accused person, upon which copy there must be indorsed a summons, under the hand of the Registrar and seal of the Court, requiring him to appear and plead to the information within the same time after service within which he would be required to enter an appearance after service of a writ in a civil action.

Plea.

**690.** THE accused person is required within the time so limited to enter an appearance and file his plea in writing in the Supreme Court, and to deliver a copy thereof forthwith to the prosecutor.

Default of plea.

**691.** IF the accused person does not plead to the information according to the exigency of the summons indorsed on the copy served on him, the prosecutor may serve him with a notice to the effect that, unless he pleads or demurs within eight days, a plea of not guilty will be filed in his name. Upon filing an affidavit setting forth the service of the information and of such notice, and of default of pleading in accordance with the exigency of the notice, the prosecutor may cause a plea of not guilty to be filed for the accused person, and thereupon the same proceedings may be had as if the accused person had filed a plea of not guilty.

Or, in the case of a misdemeanour, judgment of conviction may, by leave of the Court or a Judge, be entered against him for want of a plea.

But the Court or a Judge may, either before or after the time so prescribed, allow further time for the accused person to plead or demur to the information.

Time and place of trial.

**692.** WHEN the accused person pleads any plea, or when a plea of not guilty is filed for him by the prosecutor, either party may apply to a Judge to appoint the time and place of trial, of which notice is to be given to the accused person.

Effect and judgment for prosecutor on demurrer.

**693.** IF the accused person demurs only, and does not plead any plea, and judgment is given against him on demurrer, he is required to plead to the information within such time as the Court or a Judge may allow. If he makes default in doing so, the same proceedings may be taken as if he had made default in pleading in the first instance.

Effect of judgment by default.

**694.** IF judgment of conviction is entered against the accused person for want of a plea, he is required to attend to receive the judgment

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judgment of the Court at a time and place to be appointed by a Judge. If he does not so attend, any justice may issue his warrant to arrest him and bring him before the Court to receive judgment.

**695.** IN either of the following cases, that is to say :—

*Costs of defence.*

- (1.) If the accused person pleads to the information, and is not brought to trial within a year after filing his plea ;  
or
  - (2.) If the Attorney General informs the Court that he will not further proceed on the information ; or
  - (3.) If the accused person is acquitted upon trial ;
- the Court, or the Judge before whom the trial, if any, is had, may award costs to the accused person.

**696.** WHEN an indictment is presented in the Supreme Court by the Attorney General against any person who has not been committed for trial for the offence charged in the indictment, the Crown may proceed thereon in the manner prescribed in this chapter with respect to informations filed by private prosecutors, except that no security shall be required. *and the last preceding section shall not apply*

*Practice to be applied on ex officio information.*

CHAPTER LXXIII.—MISCELLANEOUS PROVISIONS.

**697.** WHEN a person is to be tried for the crime of treason, or of becoming an accessory after the fact to treason, or of failing, when he knows that any person intends to commit treason, to give information thereof with all reasonable despatch to a justice or use other reasonable endeavours to prevent the commission of the crime, a list of the jurors, with their christian names and surnames written at full length, and with the true place of abode and description of every juror, is required to be given to him, in the presence of two credible witnesses, ten days before he is called upon to plead to the indictment.

*Names of jury to be given to person charged with treason or concealment of treason.*

**698.** IF it appears to any Court that any person has been guilty of perjury in any testimony given before it, the Court may commit him to take his trial for such perjury before any Court of competent jurisdiction in the same manner as if he had been charged before a justice with the same perjury, and sufficient evidence had been given against him.

*Court may direct certain persons to be prosecuted for perjury.*

A person so committed may be admitted to bail in the same manner as if he had been committed for trial by a justice.

The Court may require any person to enter into a recognisance conditioned to appear and give evidence at the trial of a person so directed to be prosecuted.

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In this section the term "Court" includes any person before whom a writ of inquiry is executed, but does not include justices in petty sessions.

Committal of  
fraudulent debtors.

*amended  
by 31 of 1906*

**699.** IF, on the examination of any person whose affairs are in course of administration under the provisions of the laws relating to ~~insolvent~~ <sup>bankrupt</sup> debtors before a Court which has jurisdiction to examine him in the course of such administration, it appears to the Court that he has been guilty of any of the offences defined in chapter fifty-four, the Court may commit him to take his trial for such offence before some Court of competent jurisdiction, or may hold him to bail to appear before a justice to answer any charge that may be brought against him for any such offence.

A person so committed may be admitted to bail in the same manner as if he had been committed for trial by a justice.

Staying prosecution  
for publication of  
Parliamentary  
paper.

**700.** A PERSON prosecuted on a charge of the unlawful publication of defamatory matter which is contained in any paper published by him, or by his servant, by order or under the authority of either House of Parliament, may, at any stage of the proceedings, apply to the Supreme Court or a Judge thereof, or to the Court in which the proceedings are pending, for an order staying the prosecution, first giving twenty-four hours' notice of his intention so to do to the prosecutor; and upon production to the Court or Judge of a certificate under the hand of the President or Clerk of the Legislative Council, or Speaker or Clerk of the Legislative Assembly, as the case may be, stating that the paper in respect of which the prosecution is instituted was published by the defendant, or by his servant, by order or under the authority of the Council or Assembly, together with an affidavit verifying such certificate, the Court or Judge is required immediately to stay the prosecution, and may order the prosecutor to pay to the defendant his costs of defence.

A person prosecuted on a charge of the unlawful publication of defamatory matter which is contained in a copy of, or an extract from or abstract of, any such paper, may, at any stage of the proceedings, apply to the Supreme Court or a Judge thereof, or to the Court in which the proceedings are pending, for an order, staying the prosecution; and upon production to the Court or Judge of an original of such paper, together with such a certificate as aforesaid, and an affidavit verifying the same, the Court or Judge is required to stay the prosecution, and may order the prosecutor to pay to the defendant his costs of defence.

Certificate of dis-  
missal by justices.

**701.** WHEN justices dismiss a complaint of an offence punishable on summary conviction, whether an indictable offence  
or

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or not, they may, if required, and if they think fit, give the accused person a certificate of dismissal. Such a certificate is a bar to any further prosecution of the accused person for the same cause.

**702.** ON the summary conviction of any aboriginal native for any indictable offence the justices are required to transmit to the Registrar of the Supreme Court a record of the conviction, and to the Attorney General a report of such conviction together with an abstract of the information and of the evidence for and against the convicted person.

Record and report  
of conviction of  
aboriginal native.

**703.** WHEN, on the trial of a person charged with any of the offences defined in chapter twenty-two, relating to women or girls, it is proved to the satisfaction of the Court that the seduction or prostitution of a girl under the age of seventeen has been caused, encouraged, or favoured by her father, mother, guardian, master, or mistress, the Court may make an order divesting such father, mother, guardian, master, or mistress of all authority over her, and may appoint any person or persons who is or are willing to take charge of the girl to be her guardian or guardians until she has attained the age of twenty-one years, or any such age under twenty-one years as the Court may direct.

Custody of girls  
under seventeen.

The Supreme Court, or a Judge thereof, may from time to time rescind or vary any such order by the appointment of any other person or persons as such guardian or guardians, or in any other respect.

**704.** EXCEPT when expressly so provided, the prosecution or conviction of a person for an offence does not affect any civil remedy which any person aggrieved by the offence may have against the offender.

Saving of civil  
remedies.

**705.** AN action or prosecution against any person for anything done in pursuance of any of the provisions of this Code with respect to the arrest of offenders or the seizure of goods must be commenced within six months after the fact committed, and not otherwise.

Limitation of  
proceedings.

Notice in writing of the action, and of the cause of action, must be given to the defendant one month at least before the commencement of the action.

The plaintiff is not entitled to recover in any such action, if tender of sufficient amends is made before action brought, or if a sufficient sum of money is paid into Court by the defendant after action.

If



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If a verdict is given for the defendant, or the plaintiff is non-suited, or discontinues the action, or if, on demurrer or otherwise, judgment is given against the plaintiff, the defendant is entitled to full costs of action as between solicitor and client.

No Court fees in criminal cases.

**706.** NO fees can be taken in any Court of criminal jurisdiction or before any justice from any person who is charged with an indictable offence for any proceeding had or taken in the Court or before the justice with respect to the charge.

*2 Ed. 29 sec. 6*

Court may order payment of witnesses for defence.

*The Attorney General may in his discretion order*  
**707.** ~~THE Court may, in its discretion, make the like order~~ for payment of the expenses of any witnesses bound by recognisance to appear on behalf of an accused person as if such witness were bound over on behalf of the prosecution, and any such payment is deemed to be part of the expenses of the prosecution.

Police and Resident Magistrates may act alone.

**708.** ANY Police Magistrate or Resident Magistrate may exercise alone any jurisdiction conferred by this Code on two justices in Petty Sessions.

Jurisdiction of one justice in certain circumstances.

*2 Ed. 29 sec. 6*

**709.** ANY one justice may exercise the jurisdiction of two justices under this Code whenever no other justice is permanently resident or can be found at the time within a distance of twenty miles; provided that the justice, on any conviction, certifies, in writing, that no other justice permanently resides or can be found within twenty miles. But no sentence of whipping inflicted by one justice may be inflicted until approved by the Governor.

Powers of Attorney General may be delegated to Crown Solicitor.

*Amended by 31 of 1906*

**710.** IN the case of the absence of the Attorney General or of his inability to perform the duties of his office, or of a vacancy in the office, the Crown Solicitor may exercise, perform, and discharge all the powers, duties, and functions which the Attorney General is required or able to perform or discharge under the provisions of this Code, and the warrant of the Governor directing the Crown Solicitor to exercise, perform, and discharge such powers, duties, and functions is conclusive evidence of the absence or inability of the Attorney General, or of a vacancy in the office, as the case may be.

Copies of depositions to be allowed to persons committed for trial.

**711.** ANY person who is committed for trial or held to bail for any indictable offence is entitled to have on demand, from the person who has the lawful custody thereof, copies of the depositions of the witnesses on whose depositions he has been so committed or held to bail.

Demand for copy to be made prior to commencement of sittings.

Provided that, if the demand is not made before the day appointed for the commencement of the sittings of the Court at which the trial of the person on whose behalf the demand is made is

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is to take place, he is not entitled to have any such copy unless the Judge is of opinion that the copy may be made and delivered without delay or inconvenience to the trial.

The Court may postpone a trial on account of the accused person not having previously had a copy of the depositions.

**712.** ANY person who is tried for any offence is entitled, at the time of his trial, to inspect without fee all depositions or copies of depositions which have been taken against him and returned into the Court before which the trial is had.

*Inspection of depositions at trial.*

**713.** THE Judges of the Supreme Court, or a majority of them, may make general rules prescribing forms of complaints, summonses, depositions, indictments, judgments, records, convictions, warrants, recognisances, and other proceedings, to be used in any Court, or before Justices in respect of any offences; and every form so prescribed is to be deemed sufficient for the purpose, and sufficiently to state the offence or matter for or in respect of which it is prescribed to be used.

The Judges, or a majority of them, may also make General Rules not inconsistent with the provisions of this Code, regulating the proceedings upon the trial of persons charged with indictable offences, and the proceedings upon informations presented by leave of the Court.

*Forms of criminal proceedings.*

*Criminal Code.***The Second Schedule.****STATUTES OF THE REALM IN FORCE IN WESTERN AUSTRALIA.**

Reign, Year, and Chapter of Act.	Title of Act.	Extent of Repeal.
3 Ed. I., c. 9 ...	All men shall be ready to pursue Felons	The whole
3 Ed. I., c. 26 ...	None of the King's Officers shall commit Extortion	The whole
2 Ed. III., c. 3...	No man shall come before the Justices, or go or ride armed	The whole
25 Ed. III., St. 5, c. 2	A declaration which offences shall be adjudged Treason	The whole not already repealed
5 Rich. II., St. 1, c. 7	The Penalty where anyone doth enter into Lands where it is not lawful or with Force	The whole
32 Hen. VIII., c. 9	The Bill of bracerie and buying of titles	The whole
1 Ed. VI., c. 12	An Act for the Repeal of certain Statutes concerning Treasons and Felonies	The whole not already repealed
5 & 6 Ed. VI., c. 11	An Act for the Punishment of divers kinds of Treasons	The whole not already repealed
5 & 6 Ed. VI., c. 16	Against Buying and Selling of Offices...	The whole
1 Mary, Sess. II., c. 6	An Act that the Counterfeiting of Strange Coins being current within this Realm the Queen's Highness' Sign-Manual Signet or Privy Seal to be adjudged Treason	The whole
1 & 2 P. & M., c. 10	An Act whereby certain Offences be made Treasons and also for the government of the King's and Queen's Majesties' Issue	The whole
18 Eliz., c. 5 ...	An Act to redress Disorders in common Informers	The whole
13 Car. II., St. 1, c. 5	An Act against Tumults and Disorders upon pretence of preparing or presenting public petitions or other Addresses to His Majesty or the Parliament	The whole
31 Car. II., c. 2	An Act for the better securing the Liberty of the Subject and for Prevention of Imprisonment beyond the Seas	Section 7

*Criminal Code.*SECOND SCHEDULE—*continued.*STATUTES OF THE REALM IN FORCE IN WESTERN AUSTRALIA—*continued.*

Reign, Year, and Chapter of Act.	Title of Act.	Extent of Repeal.
4 W. & M., c. 18	An Act to prevent malicious informations in the Court of King's Bench and for the more easy reversal of Outlawries in the same Court	The whole
7 & 8 Wm. III., c. 3	An Act for Regulating of Trials in Cases of Treason and Misprision of Treason	The whole
9 Wm. III., c. 7	An Act to prevent the throwing or firing of Squibbs, Serpents, and other fireworks	The whole
9 Wm. III., c. 35	An Act for the more effectually suppressing of Blasphemy and Profaneness	The whole
10 Wm. III., c. 23	An Act for suppressing of Lotteries ...	The whole
11 Wm. III., c. 7	An Act for the more effectual suppression of Piracy	Sections 8, 9, & 10
1 Anne, St. 2, c. 9, s. 3	An Act for punishing Accessories to Felonies and Receivers of Stolen Goods and to prevent the wilful burning and destroying of Ships	The whole not already repealed
12 Anne, St. 2, c. 18	An Act for the preserving of all ships and goods thereof, which shall happen to be forced on shore, or stranded upon the coasts of this Kingdom, or any other of Her Majesty's dominions	Section 5
13 Anne, c. 21	An Act for the preserving all such Ships and Goods thereof which shall happen to be forced on shore or stranded upon the Coasts of this Kingdom or any other of Her Majesty's dominions	Section 5
1 Geo. I., St. 2, c. 5	An Act for preventing Tumults and riotous Assemblies and for the more speedy and effectual punishing the Rioters	The whole not already repealed
Geo. I., c. 12	Beginning with the words "An Act for enforcing and making perpetual an Act of the twelfth year of her late Majesty" and ending with the words "such as wilfully burn or destroy ships"	The whole
8 Geo. I., c. 22	Beginning with the words "An Act to prevent the Mischiefs by forging Powers" and ending with the words "Instruments founded thereupon"	The whole
8 Geo. I., c. 24	An Act for the more effectual suppressing of Piracy	Section 1

*Criminal Code.*

## SECOND SCHEDULE—continued.

## STATUTES OF THE REALM IN FORCE IN WESTERN AUSTRALIA—continued.

Reign, Year, and Chapter of Act.	Title of Act.	Extent of Repeal.
2 Geo. II., c. 25	An Act for the more effectual preventing and further Punishment of Forgery, Perjury, and Subornation of Perjury, and to make it Felony to steal Bonds, Notes, or other Securities for payment of Money	The whole not already repealed
9 Geo. II., c. 5	Beginning with the words "An Act to repeal the Statute made in the first Year of the reign of King James the First," and ending with the words "Witchcraft, Sorcery, Inchantment, or Conjurat-ion"	The whole
12 Geo. II., c. 28	An Act for the more effectual preventing of excessive and deceitful Gaming	The whole
13 Geo. II., c. 19	An Act to restrain and prevent the excessive increase of Horse Races, and for amending an Act made in the last session of Parliament intituled "An Act for the more effectual preventing of excessive and deceitful Gaming"	The whole
15 Geo. II., c. 13	An Act for establishing an Agreement with the Governor and Company of the Bank of England for advancing the sum of one million six hundred thousand Pounds towards the Supply for the Service of the Year one thousand seven hundred and forty-two	Sections 11, 12
15 Geo. II., c. 27	An Act for the more effectual preventing any Cloth or Woollen Goods remaining upon the Rack or Tenters or any Woollen Yarn or Wool left out to dry from being stolen or taken away in the Night-time	The whole
18 Geo. II., c. 27	An Act for the more effectually preventing the stealing of Linen, Fustian, and Cotton Goods and Wares in Buildings, Fields, Grounds, and other Places used for Printing, Whitening, Bleaching, or Drying the same	The whole
18 Geo. II., c. 30	An Act to amend an Act made in the eleventh year of the Reign of King William the Third, intituled "An Act for the more effectual Suppression of Piracy"	The whole

*Criminal Code.*SECOND SCHEDULE—*continued.*STATUTES OF THE REALM IN FORCE IN WESTERN AUSTRALIA—*continued.*

Reign, Year, and Chapter of Act.	Title of Act.	Extent of Repeal.
18 Geo. II., c. 34	An Act to explain, amend, and make more effectual the Laws in being to prevent excessive and deceitful gaming and to restrain and prevent the excessive Increase of Horse Races	The whole
20 Geo. II., c. 30	An Act for allowing Persons impeached of High Treason whereby any Corruption of Blood may be made or for Misprision of such Treason to make their full Defence by Counsel	The whole
23 Geo. II., c. 11	An Act to render Prosecutions for Perjury and Subornation of Perjury more easy and effectual	The whole
25 Geo. II., c. 36	An Act for the better preventing Thefts and Robberies, and for regulating Places of Public Entertainment and punishing Persons keeping disorderly Houses	Sections 1, 8
25 Geo. II., c. 37	An Act for better preventing the horrid crime of Murder	The whole
26 Geo. II., c. 19	An Act for enforcing the Laws against Persons who shall steal, or detain shipwrecked Goods, and for the relief of Persons suffering Losses thereby	Sections 1 to 4, inclusive
30 Geo. II., c. 24	Beginning with the words "An Act for the more effectual Punishment of Persons who shall attain" and ending with the word "Apprentices"	The whole not already repealed
31 Geo. II., c. 22	Beginning with the words "An Act for granting to His Majesty several Rates and Duties" and ending with the words "the said Rates and Duties"	Section 78
4 Geo. III., c. 25	Beginning with the words "An Act for establishing an Agreement with the Governor and Company of the Bank of England" and ending with the words "and the fraudulent personating the owners thereof"	Section 15
4 Geo. III., c. 37	Beginning with the words "An Act for the better establishing a Manufactory of Cambrics and Lawns" and ending with the words "that part of Great Britain called England"	Section 16

## Criminal Code.

THIRD SCHEDULE—*continues*

## STATUTES OF WESTERN AUSTRALIA

Year and Number of Act.	Title or Short Title	Extent of Repeal.
		The whole
16 Vict., No. 9 ...	An Ordinance Evidence	Section 28
16 Vict., No. 18...	An Ordinance for the Proof of	Section 2, Sections 4 to 13, inclusive, and Section 18
17 Vict., No. 7		Section 37
18 Vict.	Label and Registration, Amendment Act, 1888	In Section 6 the words "or prosecuted"
44 Vict., No. 3 ...	An Act to give protection to persons employed in the printing and publication of papers by order or authority of the Legislative Council or Legislative Assembly or a Committee thereof respectively, and to facilitate the proof of Acts of Parliament and Parliamentary papers	So much of Sections 1, 2, and 3, as is contained in the words "or criminal" "or prosecuted" whenever therein appearing. Section 5
54 Vict., No. 4 ...	An Act for defining the Privileges, Immunities, and Powers of the Legislative Council and Legislative Assembly of Western Australia respectively	Section 16
54 Vict., No. 7 ...	The Census Act, 1891	In Section 12 the words "any person making and subscribing a false declaration shall be deemed guilty of perjury"
54 Vict., No. 12...	The Audit Act, 1891	Sections 34, 36, and 43
55 Vict., No. 6 ...	An Act to permit the Conditional Release of First Offenders in certain cases	The whole
55 Vict., No. 14...	The Affirmations Act, 1892	Section 2
55 Vict., No. 18...	The Aboriginal Offenders Act (Amendment), 1892	The whole

*Criminal Code.*THIRD SCHEDULE—*continued.*STATUTES OF WESTERN AUSTRALIA—*continued.*

Number	Title or Short Title of Act.	Extent of Repeal.
..	The Married Women's Property Act, 1892	So much of Section 12 as is contained in the words "and also (subject as regards her husband to the proviso hereinafter contained) the same remedies and redress by way of criminal proceedings"; and in the words "In any indictment or other proceeding under this Section it shall be sufficient to allege such property to be her property"; and in the proviso to the Section. Section 16
55 Vict., No. 24...	The Criminal Law Amendment Act, 1892	The whole
55 Vict., No. 27...	The Police Act, 1892 ... ..	Sections 55, 56, and 62
55 Vict., No. 32...	The Bankruptcy Act, 1892 ... ..	Sections 29 and 139
56 Vict., No. 8 ...	The Companies Act, 1893 ... ..	Sections 76, 182, 183, 232, 233, 234, and 235
56 Vict., No. 14 ...	The Transfer of Land Act, 1893 ...	In Section 214 the words "such person shall be guilty of misdemeanour" to "three years, and" inclusive
56 Vict., No. 15...	The Aboriginal Offenders Act (amendment), 1893	The whole
57 Vict., No. 6 ...	The Grand Jury Abolition Act Amendment Act, 1893	The whole
58 Vict., No. 11...	The Marriage Act, 1894 ... ..	Sections 21, 24, 25, and 26

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*Criminal Code.*SECOND SCHEDULE—*continued.*STATUTES OF THE REALM IN FORCE IN WESTERN AUSTRALIA—*continued.*

Reign, Year, and Chapter of Act.	Title of Act.	Extent of Repeal.
39 Geo. III., c. 79	An Act for the more effectual Suppression of Societies established for seditious and treasonable Purposes and for better preventing treasonable and seditious Practices	The whole
39 Geo. III., c. 85	An Act to protect Masters against Embezzlements by their Clerks or Servants	The whole
39 & 40 Geo. III., c. 93	An Act for regulating Trials for High Treason and Misprision of High Treason in certain cases	The whole
41 Geo. III., c. 57	An Act for the better prevention of the forgery of the notes and bills of exchange of persons carrying on the business of bankers	The whole
42 Geo. III., c. 119	An Act to suppress certain Games and Lotteries not authorised by Law	The whole
43 Geo. III., c. 113	Beginning with the words " An Act for the more effectual providing for the Punishment of Offences " and ending with the words " Accessories to Murders and to Manslaughters "	The whole
43 Geo. III., c. 139	An Act for preventing the Forging and Counterfeiting of Foreign Bills of Exchange, and of Foreign Promissory Notes and Orders for the Payment of Money and for preventing the Counterfeiting of Foreign Copper Money	The whole not already repealed
48 Geo. III., c. 58	Beginning with the words " An Act for amending the Law with regard to the course of Proceeding on Indictments " and ending with the words " assign the Bail Bonds to the King "	The whole
48 Geo. III., c. 129	Beginning with the words " An Act to repeal so much of an Act passed in the eighth year of the Reign of Queen Elizabeth " and ending with the words " Larceny from the Person "	The whole
49 Geo. III., c. 126	An Act for the further Prevention of the Sale and Brokerage of Offices	The whole

*Criminal Code.*SECOND SCHEDULE—*continued.*STATUTES OF THE REALM IN FORCE IN WESTERN AUSTRALIA—*continued.*

Reign, Year, and Chapter of Act.	Title of Act.	Extent of Repeal.
50 Geo. III., c. 59	An Act for the more effectually preventing the Embezzlement of Money or Securities for money belonging to the Public by any Collector, Receiver, or other Person entrusted with the Receipt, Care, or Management thereof	The whole
52 Geo. III., c. 64	An Act for extending the provisions of an Act of the thirtieth year of King George the Second against Persons obtaining Money by false Pretences to Persons so obtaining Bonds and other Securities	The whole
52 Geo. III., c. 104	An Act to render more effectual an Act passed in the thirty-seventh year of His present Majesty for the preventing the administering or taking Unlawful Oaths	The whole
52 Geo. III., c. 138	Beginning with the words "An Act for the further Prevention of the counterfeiting of Silver Tokens" and ending with the words "the said Governor and Company"	The whole
52 Geo. III., c. 143	An Act for amending and reducing into one Act the Provisions contained in any Laws now in force imposing the penalty of Death for any act done in Breach of or in Resistance to any part of the Laws for collecting His Majesty's Revenue in Great Britain	The whole
52 Geo. III., c. 156	An Act for the more effectual Punishment of Persons aiding Prisoners of War to escape from His Majesty's Dominions	The whole
53 Geo. III., c. 160	An Act to relieve Persons who impugn the doctrine of the Holy Trinity from certain Penalties	The whole
54 Geo. III., c. 146	An Act to alter the Punishment in certain Cases of High Treason	The whole
56 Geo. III., c. 73	An Act for removing the Difficulties in the Conviction of offenders stealing Property from Mines	The whole
56 Geo. III., c. 138	An Act to abolish the Punishment of the Pillory except in certain Cases	The whole

*Criminal Code.*SECOND SCHEDULE—*continued.*STATUTES OF THE REALM IN FORCE IN WESTERN AUSTRALIA—*continued.*

Reign, Year, and Chapter of Act.	Title of Act.	Extent of Repeal.
57 Geo. III., c. 6	Beginning with the words "An Act to make perpetual certain parts of an Act of the thirty-sixth year of His present Majesty's Reign" and ending with the words "Treasonable Practices and Attempts"	The whole
57 Geo. III., c. 19	An Act for the more effectually preventing Seditious Meetings and Assemblies	The whole
60 Geo. III. & 1 Geo. IV., c. 1	An Act to prevent the Training of Persons to the Use of Arms and to the Practice of Military Evolutions and Exercise	The whole
60 Geo. III. & 1 Geo. IV., c. 4	An Act to prevent Delay in the Administration of Justice in Cases of Misdemeanour	The whole
60 Geo. III. & 1 Geo. IV., c. 8	An Act for the more effectual Prevention and Punishment of blasphemous and seditious Libels	Section 4
1 Geo. IV., c. 92	An Act for the further Prevention of forging and counterfeiting of Bank Notes	Sections 1 and 2
1 Geo. IV., c. 102	An Act for making general the Provisions of an Act made in the forty-sixth year of the Reign of His late Majesty for removing Difficulties in the Conviction of Offenders stealing property from Mines	The whole
1 & 2 Geo. IV., c. 88	An Act for the Amendment of the Law of Rescue	The whole
3 Geo. IV., c. 38	An Act for the further and more adequate Punishment of Persons convicted of Manslaughter and of Servants convicted of robbing their Masters and of Accessories before the fact to Grand Larceny and certain other Felonies	The whole
3 Geo. IV., c. 114	An Act to provide for the more effectual Punishment of certain Offences by Imprisonment with hard Labour	The whole
5 Geo. IV., c. 107	Beginning with the words "An Act to prevent the illegal pawning of Clothes and Stores belonging to Chelsea Hospital" and ending with the words "to hold lands purchased under the will of Colonel Drowly"	Section 5

*Criminal Code.*SECOND SCHEDULE—*continued.*STATUTES OF THE REALM IN FORCE IN WESTERN AUSTRALIA—*continued.*

Reign, Year, and Chapter of Act.	Title of Act.	Extent of Repeal.
6 Geo. IV., c. 129	An Act to repeal the Laws relating to the Combination of Workmen and to make provisions in lieu thereof	The whole
7 Geo. IV., c. 16	An Act to consolidate and amend several Acts relating to the Royal Hospitals for Soldiers at Chelsea and Kilmainham	Section 38
7 & 8 Geo. IV., c. 28	An Act for further improving the administration of Justice in Criminal Cases in England	The whole
9 Geo. IV., c. 32	An Act for amending the Law of Evidence in certain cases	The whole
9 Geo. IV., c. 69	An Act for the more effectual Prevention of Persons going armed by Night for the Destruction of Game	The whole
11 Geo. IV. & 1 Wm. IV., c. 66	An Act for Reducing into one Act all such Forgeries as shall henceforth be Punished with Death, and for otherwise Amending the laws relating to Forgeries	The whole
4 & 5 Wm. IV., c. 67	An Act for Abolishing Capital Punishment in case of return from transportation	The whole
5 & 6 Wm. IV., c. 50	An Act to Consolidate and Amend the Laws relating to Highways	Section 95
5 & 6 Wm. IV., c. 62	An Act to Repeal an Act of the present Session of Parliament intituled "An Act for the more Effectual Abolition of Oaths"	Sections 5 & 21
7 Wm. IV. & 1 Vict., c. 88	An Act to amend certain Acts relating to the Crime of Piracy	The whole

*Criminal Code.***The Third Schedule.****STATUTES OF WESTERN AUSTRALIA.**

Year and Number of Act.	Title or Short Title of Act.	Extent of Repeal.
6 Wm. IV., No. 4	An Act for adopting and applying certain Acts of Parliament passed in the first, the first and second, the second, the second and third, and the third and fourth years of the reign of His present Majesty, respectively, in the Administration of Justice in the Colony of Western Australia, in like manner as other laws of England are applied therein	So much as adopts 2 & 3 Wm. IV., c. 62
4 & 5 Vict., No. 20	An Act to provide for the more effectual and accurate establishment of the boundaries of land within the Colony of Western Australia	Section 8
4 & 5 Vict., No. 22	An Act to allow all aboriginal natives of Western Australia to give information and evidence without the sanction of an oath	Section 4
6 Vict., No. 8 ...	An Act to regulate the apprenticeship and otherwise to provide for the guardianship and control of a certain class of juvenile immigrants	Section 8
7 Vict., No. 13 ...	An Act for adopting certain Acts of Parliament passed in the third and fourth, the fourth and fifth, the fifth and sixth, and the sixth and seventh years of the reign of His late Majesty King William the Fourth; and also certain Acts of Parliament passed in the first and second, the second and third, and the fifth and sixth years of the reign of Her present Majesty Queen Victoria, respectively, and applying the same in the Administration of Justice in Western Australia in like manner as the other Laws of England are applied therein	So much as adopts 6 & 7 Will. IV., c. 111, and 6 & 7 Will. IV., c. 114.
9 Vict., No. 2 ...	An Ordinance to provide for the Maintenance and Relief of Destitute Wives and Children, and other Destitute Persons, and to make the property of husbands and near relatives, to whose assistance they have a natural claim, in certain circumstances, available for support	Section 7

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*Criminal Code.*THIRD SCHEDULE—*continued.*STATUTES OF WESTERN AUSTRALIA—*continued.*

Year and Number of Act.	Title or Short Title of Act.	Extent of Repeal.
9 Vict., No. 8 ...	An Ordinance to adopt Certain Improvements made in the Law of England respecting Libel	So much as adopts 6 and 7 Vict., c. 96, sections 3, 4, 5, 6 (except the proviso so far as it relates to civil proceedings), 7 and 8
10 Vict., No. 14...	An Ordinance for Improving the Law of Evidence	In section 6 the words "every such person shall be guilty of felony. and shall, upon conviction, be liable to transportation for seven years, or to imprisonment for any term not more than three nor less than one year with hard labour, provided also that"
12 Vict., No. 7 ...	An Ordinance for the Regulation of Gaols, Prisons, and Houses of Correction in the Colony of Western Australia, and for other purposes relating thereto	Section 22
12 Vict., No. 21...	An Ordinance for Adopting Certain Acts of the Imperial Parliament	So much as adopts 10 and 11 Vict., c. 82
14 Vict., No. 6 ...	An Ordinance to Provide for the due Custody and Discipline of Offenders Transported to Western Australia and of Offenders Sentenced therein to transportation	Sections 10, 13, 14, 15, 17, 18, and 21
16 Vict., No. 5 ...	An Ordinance for the Removal of Defects in the Administration of Criminal Justice	The whole
16 Vict., No. 6 ...	An Ordinance for the Better Prevention of Offences	The whole
16 Vict., No. 8 ...	An Ordinance for Further Improving the Administration of Criminal Justice	The whole, except sections 18 and 21

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*Criminal Code.*THIRD SCHEDULE—*continued.*STATUTES OF WESTERN AUSTRALIA—*continued.*

Year and Number of Act.	Title or Short Title of Act.	Extent of Repeal.
16 Vict., No. 9 ...	An Ordinance to Amend the Law of Evidence	Sections 12 and 14
16 Vict., No. 18...	An Ordinance to make further provision for the due Custody and Discipline of Offenders transported to Western Australia and Offenders sentenced therein to transportation	Sections 2 to 5, sections 8 and 10
17 Vict., No. 7 ...	An Ordinance for the Suppression of Violent Crimes committed by Convicts illegally at large	Sections 1, 2, 3, 4, 10 and 11
18 Vict., No. 15...	The Shipping and Pilotage Consolidation Ordinance, 1855	In Section 17 the words "it shall be lawful for such justice" to "afore-said," and in the last line the words "of Quarter Sessions"
19 Vict., No. 14...	An Ordinance to consolidate and amend the Laws relating to the Registration of Deeds, Wills, Judgments, and Conveyances affecting Real Property	Sections 17, 18, and 24
20 Vict., No. 5 ...	An Ordinance for the more speedy Trial and Punishment of Offences in certain cases of Larceny	The whole
23 Vict., No. 8 ...	An Ordinance to amend an Ordinance for the better Prevention of Offences (Imperial Act 14 and 15, Vict., c. 19)	The whole
24 Vict., No. 7 ...	The Pawnbrokers Ordinance, 1860 ...	Section 25
24 Vict., No. 15...	The Supreme Court Ordinance, 1861 ...	Section 21
27 Vict., No. 19...	An Ordinance to regulate Divorce and Matrimonial Causes	In Section 51 the words "knowing the same to be false" to "ordinance"
29 Vict., No. 5 ...	The Criminal Law Consolidation Ordinance, 1865	The whole
32 Vict., No. 9 ...	An Ordinance to make Better Provision for the Suppression of Violent Crimes Committed by Convicts	The whole

*Criminal Code.*THIRD SCHEDULE—*continued.*STATUTES OF WESTERN AUSTRALIA—*continued.*

Year and Number of Act.	Title or Short Title of Act.	Extent of Repeal.
32 Vict., No. 10 ...	An Ordinance for the Better Security of the Crown and Government	The whole
32 Vict., No. 12 ...	The Quarantine Ordinance, 1868	Section 20
34 Vict., No. 5 ...	An Act to Amend the Law of Evidence and Practice on Criminal Trials	Sections 1, 2, and 9
34 Vict., No. 9 ...	The Lunacy Act, 1871	Sections 46, 88, 91, and 98
34 Vict., No. 11 ...	An Act to Amend the Law Relating to Larceny and Embezzlement	The whole
34 Vict., No. 15 ...	An Act to Provide for carrying out of Capital Punishment within Prisons	The whole
34 Vict., No. 21 ...	The Debtors Act, 1871	Sections 7, 8, 9, 10, 14, 15
37 Vict., No. 4 ...	An Act to Remove some Defects in the Administration of the Criminal Law	Section 6
38 Vict., No. 6 ...	The Telegraph Messages Act, 1874	Section 10
39 Vict., No. 1 ...	An Act to Amend the Capital Punishment Amendment Act, 1871	The whole
43 Vict., No. 4 ...	An Act to make additional Provisions for Prison Discipline in Western Australia	In Section 2 the words "or may be deemed guilty of a misdemeanour" to end of the Section
45 Vict., No. 7 ...	The Brands Act, 1881	Sections 32, 33, and 38
46 Vict., No. 6 ...	The Stamp Act, 1882	Sections 76 and 80
47 Vict., No. 6 ...	The Grand Jury Abolition Act, 1883	Sections 5, 6, 7, 8, and 9
47 Vict., No. 8 ...	The Aboriginal Offenders Act, 1883	Sections 4, 5, 6, 7, 8, 9, 10, 11, and 12
48 Vict., No. 5 ...	The Regulation of Whipping Act, 1884	Sections 2, 3, and 4
48 Vict., No. 12 ...	The Newspaper Libel and Registration Act, 1884	Sections 3, 4, 5, and 6
48 Vict., No. 25 ...	The Imported Labour Registry Act, 1884	Section 21

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*Criminal Code.*THIRD SCHEDULE—*continued.*STATUTES OF WESTERN AUSTRALIA—*continued.*

Year and Number of Act.	Title or Short Title of Act.	Extent of Repeal.
50 Vict., No. 15 ...	An Act to amend the Criminal Law procedure	The whole
50 Vict., No. 25 ...	The Aborigines Protection Act, 1886 ...	Section 28
52 Vict., No. 6 ...	The Merchandise Marks Act, 1888 ...	Section 2, Sections 4 to 13, inclusive, and Section 18
52 Vict., No. 16 ...	The Roads Act, 1888 ... ..	Section 37
52 Vict., No. 18 ...	The Newspaper Libel and Registration Act, 1884, Amendment Act, 1888	In Section 6 the words "or prosecuted"
54 Vict., No. 3 ...	An Act to give protection to persons employed in the printing and publication of papers by order or authority of the Legislative Council or Legislative Assembly or a Committee thereof respectively, and to facilitate the proof of Acts of Parliament and Parliamentary papers	So much of Sections 1, 2, and 3, as is contained in the words "or criminal" "or prosecuted" whenever therein appearing. Section 5
54 Vict., No. 4 ...	An Act for defining the Privileges, Immunities, and Powers of the Legislative Council and Legislative Assembly of Western Australia respectively	Section 16 •
54 Vict., No. 7 ...	The Census Act, 1891 ... ..	In Section 12 the words "any person making and subscribing a false declaration shall be deemed guilty of perjury"
54 Vict., No. 12 ...	The Audit Act, 1891 ... ..	Sections 34, 36, and 43
55 Vict., No. 6 ...	An Act to permit the Conditional Release of First Offenders in certain cases	The whole
55 Vict., No. 14 ...	The Affirmations Act, 1892 ... ..	Section 2
55 Vict., No. 18 ...	The Aboriginal Offenders Act (Amendment), 1892	The whole

*Criminal Code.*THIRD SCHEDULE—*continued.*STATUTES OF WESTERN AUSTRALIA—*continued.*

Year and Number of Act.	Title or Short Title of Act.	Extent of Repeal.
55 Vict., No. 20...	The Married Women's Property Act, 1892	So much of Section 12 as is contained in the words "and also (subject as regards her husband to the proviso hereinafter contained) the same remedies and redress by way of criminal proceedings"; and in the words "In any indictment or other proceeding under this Section it shall be sufficient to allege such property to be her property"; and in the proviso to the Section. Section 16
55 Vict., No. 24...	The Criminal Law Amendment Act, 1892	The whole
55 Vict., No. 27...	The Police Act, 1892 ... ..	Sections 55, 56, and 62
55 Vict., No. 32...	The Bankruptcy Act, 1892 ... ..	Sections 29 and 139
56 Vict., No. 8 ...	The Companies Act, 1893 ... ..	Sections 76, 182, 183, 232, 233, 234, and 235
56 Vict., No. 14 ...	The Transfer of Land Act, 1893 ...	In Section 214 the words "such person shall be guilty of misdemeanour" to "three years, and" inclusive
56 Vict., No. 15...	The Aboriginal Offenders Act (amendment), 1893	The whole
57 Vict., No. 6 ...	The Grand Jury Abolition Act Amendment Act, 1893	The whole
58 Vict., No. 11...	The Marriage Act, 1894 ... ..	Sections 21, 24, 25, and 26

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*Criminal Code.*THIRD SCHEDULE—*continued.*STATUTES OF WESTERN AUSTRALIA—*continued.*

Year and Number of Act.	Title or Short Title of Act.	Extent of Repeal.
58 Vict., No. 12	The Explosive Substances Act, 1894 ...	Sections 3, 4, 5, 6, and 8
58 Vict., No. 16...	The Registration of Births, Deaths, and Marriages Act, 1894	Sections 26, 48, and 49
58 Vict., No. 21...	The Agricultural Bank Act, 1894 ...	Section 17
59 Vict., No. 13...	The Arbitration Act, 1895 ...	Section 23
59 Vict., No. 24...	The Copyright Act, 1895 ...	Section 50
60 Vict., No. 8...	The Married Women's Property Act, 1896	The whole
60 Vict., No. 27...	The Evidence Amendment Act, 1896 ...	Sections 6, 7, and 9
61 Vict., No. 8...	The Local Inscribed Act, 1897 ...	Section 16
61 Vict., No. 14...	The Registration of Firms Act, 1897 ...	Section 13
61 Vict., No. 25...	The Sale of Liquors Amendment Act, 1897	In Section 7 the words "a misdemeanour." Section 17
61 Vict., No. 27...	The Imported Labour Registry Act, 1897	Section 33
62 Vict., No. 4...	The Beer Duty Act, 1898 ...	Section 24
62 Vict., No. 10...	The Jury Act, 1898 ...	Section 41
62 Vict., No. 13...	The Prevention of Crimes Act, 1898 ...	Sections 1 and 4
63 Vict., No. 6 ...	The Companies Duty Act, 1899...	Section 17
63 Vict., No. 8 ...	The Criminal Evidence Act, 1899 ...	Section 5
63 Vict., No. 20...	The Electoral Act, 1899 ...	The whole of Part IV., except Section 135
63 Vict., No. 45...	The Bills of Sale Act, 1899 ...	Section 49
64 Vict., No. 8 ...	The Municipal Institutions Act, 1900 ...	Sections 119, 120, sub-section (1) of 121, and Sections 122, 123, and 124

THIRD

*Criminal Code.*THIRD SCHEDULE—*continued.*STATUTES OF WESTERN AUSTRALIA—*continued.*

Year and Number of Act.	Title or Short Title of Act.	Extent of Repeal.
64 Vict., No. 16 ...	The Distillation Act, 1900 ... ..	Sections 59 and 68
64 Vict., No. 19 ...	The Conspiracy and Protection of Property Act, 1900	In Sections 3 and 4 "or on indictment as herein-after mentioned." Sections 7 and 8
64 Vict., No. 22 ...	The Land Drainage Act, 1900 ... ..	Section 33
64 Vict., No. 29 ...	An Act to amend the Criminal Law Amendment Act, 1892	The whole
64 Vict., No. 31 ...	The Registration of Births, Deaths, and Marriages Amendment Act, 1900	Section 6

*Criminal Code.*

## The Fourth Schedule.

## STATUTES OF WESTERN AUSTRALIA.

Year and Number of Act.	Title or Short Title of Act.	Extent of Repeal.
62 Vict., No. 24...	The Health Act, 1898 ... ..	Section 42, <i>omit</i> the words "Every offence under this section after a conviction for a first offence shall be a misdemeanour for which the person, on conviction, shall be imprisoned for a period not exceeding six months with hard labour;" <i>and insert</i> the words, "For every offence under this section after a conviction for a first offence hereunder the offender shall be liable on summary conviction to imprisonment with hard labour not exceeding six months"
12 Vict., No. 7 ...	An Ordinance for the regulation of gaols, prisons, and houses of correction in the Colony of Western Australia, and for other purposes relating thereto	In Section 7 omit the words "guilty of a misdemeanour" and insert "liable on summary conviction to imprisonment with hard labour for six months, or to a fine of £100."



## Western Australia.

ANNO PRIMO ET SECUNDO

EDWARDI VII. REGIS.

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No. XV.

AN ACT to amend the Permanent Reserves Act, 1899.

[Assented to, 19th February, 1902.]

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. THIS Act may be cited as the Permanent Reserves Amendment Act, 1902. Short title.

2. THE Permanent Reserves Act, 1899, is hereby amended by striking out the words "classified as Class B or Class C" in section three of the said Act. Amendment of section 3 of 63 Vict., 24.

In the name and on behalf of the King I hereby assent to this Act.

ARTHUR LAWLEY, Governor.





## Western Australia.

ANNO PRIMO ET SECUNDO

EDWARDI VII. REGIS.

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No. XVI.

AN ACT to apply out of the Consolidated Revenue Fund the annual sum of Fourteen hundred pounds for the Salary of an additional Judge of the Supreme Court.

*[Assented to, 19th February, 1902.]*

MOST GRACIOUS SOVEREIGN,—

**W**HEREAS it is desirable to increase the number of the Judges of the Supreme Court; Now, therefore, we, Your Majesty's most dutiful and loyal subjects, the Members of the Legislative Assembly of Western Australia, in Parliament assembled, in order to make suitable provision for the salary of an additional Judge of the Supreme Court, have resolved to grant unto Your Majesty the sum hereinafter mentioned, and do, therefore, most humbly beseech Your Majesty that it may be enacted; And be it therefore enacted, by the King's Most Excellent Majesty, by and with

Preamble.



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*Additional Judge—Salary.*

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with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Appropriation of the  
annual sum of  
£1,400 for Judge's  
salary.

1. THERE shall be issued and payable to His Majesty in every year, out of the Consolidated Revenue Fund, the sum of Fourteen hundred pounds sterling, for or towards the salary of an additional Judge of the Supreme Court; and the said sum shall be issued by the Colonial Treasurer in discharge of such warrants as shall from time to time be directed to him under the hand of the Governor.

In the name and on behalf of the King I hereby assent  
to this Act.

ARTHUR LAWLEY, Governor.



## Western Australia.

ANNO PRIMO ET SECUNDO

EDWARDI VII. REGIS.

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No. XVII.

AN ACT to repeal the Prawn Fishing Act,  
1876.

*[Assented to, 19th February, 1902.]*

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. THE Prawn Fishing Act, 1876 (40 Victoria, No. 2), is hereby repealed. Repeal of the 40 Victoria, No. 2.

In the name and on behalf of the King I hereby assent  
to this Act.

ARTHUR LAWLEY, Governor.





## Western Australia.

ANNO PRIMO ET SECUNDO

EDWARDI VII. REGIS.

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No. XVIII.

AN ACT to diminish the Dangers resulting  
from Bush Fires.

*[Assented to, 19th February, 1902.]*

**W**HEREAS it is expedient to amend the law relating to Bush Fires: Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. THIS Act may be cited as the Bush Fires Act, 1902. Short title.
2. THIS Act shall come into force on the first day of March, 1902. Date of commencement.
3. THE Bush Fires Act, 1885 (49 Vict., No. 9), and the Bush Fires Act, 1885, Amendment Act, 1898 (62 Vict., No. 17) are hereby repealed. Repeal.
4. IN this Act, if not inconsistent with the context,—  
“Bush” shall mean and include grass, stubble, scrub, bushes, trees, and all other vegetation. Interpretation.

“Prohibited

*Bush Fires.*

“Prohibited times” shall mean the times of the year during which it shall be declared by the Governor in Council to be unlawful to set fire to the bush within any district or part of the State.

“Occupier of land” shall include any person residing on the land and having charge or control thereof, whether such person shall be the owner or tenant or a bailiff, servant, caretaker, or other person residing and having charge or control as aforesaid.

5. (1.) THE Governor may, by notice in the *Gazette*, declare the times of the year during which it shall be unlawful to set fire to the bush within any district or part of the State mentioned in the notice.

(2.) A copy of the *Gazette* containing any such notice shall be received in all Courts of Justice and elsewhere as evidence of the prohibited times within the district or part of the State named in such notice.

Penalty for lighting  
fire during pro-  
hibited times.

6. EVERY person who shall wilfully or negligently set fire to the bush within any district or part of the State during the prohibited times for that district or part shall be liable to a penalty not exceeding Fifty pounds.

No bush to be burnt  
unless precautions  
taken.

7. NO person shall burn any part of the bush at any time during the months of October to April, both inclusive, unless—

(a.) He has delivered or caused to be delivered personally to each owner or occupier of all adjoining lands four days' previous notice in writing of such intention, nor unless

(b.) He keeps at least three men in attendance until all grass, stubble, or scrub has been burnt, to prevent such fire extending beyond the limit of his own land or land occupied by him.

Every person acting contrary to this section shall be liable to a penalty not exceeding Fifty pounds.

Nothing in this section contained shall authorise any act or thing contrary to section six.

No ignitable wad-  
ding to be carried  
or used.

8. NO person between the first of October and the 30th April in any year shall (in connection with any gun, rifle, pistol, or other firearm) carry or use any wadding made of paper, cotton, linen, or any other ignitable substance.

Every person acting contrary to this section shall be liable to a penalty not exceeding Ten pounds.

9.

Sec. 5 amended  
by 36 of 1904  
Governor may  
declare prohibited  
times.

*Bush Fires.*

9. IF any person, within the period last aforesaid, shall use or carry any gun, rifle, pistol, or other firearm upon or over any land the property of or in possession of any other person, the owner or occupier of such land or his servant may seize and examine such gun, rifle, pistol, or other firearm, and all ammunition and material carried by such first-named person, for the purpose of ascertaining the nature of the wadding carried or used.

Person offending against preceding section may be searched.

Every person refusing to allow such seizure and examination, or who shall, upon the occasion thereof, refuse to disclose his name and address to the person demanding the same, or who shall give a false name or address, shall be liable to a penalty of not less than Two pounds nor more than Five pounds.

10. (1.) NO person—

(a.) Shall light or use any fire in the open air for the purpose of cooking, camping, or for any other purpose, without a space of ground around the same of the radius of ten feet at least having been previously cleared of all grass, bushes, and leaves or branches of trees ; or,

No fire to be lighted or used in open, unless precautions taken.

(b.) Having lighted or used any such fire, shall neglect to fully and completely extinguish the same before leaving the place.

Every person acting contrary to this section shall be liable to a penalty of not less than Two pounds nor more than Twenty pounds.

(2.) Every person who is discovered or proved to have been in any party which has lighted or used any such fire, or to have been present when the same was lighted or used contrary to this section, shall be deemed guilty of having acted contrary to this section.

11. EVERY person who shall at any time smoke any pipe, cigar, cigarette, or other substance within twenty yards of any stable or of any rick, stack, or field of hay, corn, straw, stubble, or other inflammable vegetable production, shall, unless such smoking was within a town, or with a pipe properly and securely covered, be liable to a penalty of not less than Ten shillings nor more than Two pounds.

No smoking near stacks, etc.

12. WHOSOEVER shall—

(a.) Light or cause to be lighted, or attempt to light any fire ; or

Penalty for lighting or attempting to light a fire with intent to injure.

(b.) Put or place any matches or other inflammable or combustible substance, matter, or thing in such a position that the same may directly or indirectly be ignited

*Bush Fires.*

ignited by the sun's rays, or by friction or other means, or be exploded or set on fire, or whereby any fire may be lighted or caused,

under such circumstances as to be likely to injure or damage any person or property shall, whether such fire shall be caused or not, be guilty of an offence, and liable on summary conviction to be imprisoned for any term not exceeding one year, with or without hard labour, or to a fine not exceeding One hundred pounds.

Coroner to hold inquiry when requested.

**13.** WHEN a bush fire which a Coroner has, by section one of the Fire Inquiry Act, 1887, jurisdiction to inquire into originates or extends within the district of a Roads Board, the Coroner having jurisdiction within such district shall hold an inquiry into the cause and origin of such fire if requested, in writing, so to do by—

(a.) The Roads Board of the district; or

(b.) Any *bona fide* resident who has suffered damage from such fire.

This Act not to affect rights at law.

**14.** NO conviction, payment of penalty, endurance of punishment, or proceeding taken under this Act shall take away or affect any right of action or other remedy at Common Law or otherwise which any person may have in respect of any loss or damage caused by any such fire as aforesaid.

Interpretation Act.

**15.** THE sections in the Second Schedule of the Interpretation Act, 1898, lettered respectively A, D, F, and I, shall be incorporated with this Act.

Penalties.

**16.** ALL moneys received for penalties imposed for offences against this Act shall be paid to the Colonial Treasurer, who shall pay a moiety thereof, less expenses, to the municipal council or roads board within whose limits such offence was committed, for the use of the said council or board.

In the name and on behalf of the King I hereby assent to this Act.

ARTHUR LAWLEY, Governor.

# *The Trade Unions Act, 1902.*

(1° & 2° Edwardi VII., No. 19.)

## ARRANGEMENT OF SECTIONS.

### PRELIMINARY.

#### Section.

1. Short title.
2. Interpretation.

### CRIMINAL PROVISIONS.

3. Trade union not criminal.
4. Trade union not unlawful.
5. Trade union contracts, when not enforceable.
6. Certain Acts not to apply to trade unions.
7. Trade unions to be subject to Section 34 of the Friendly Societies Act, 1894.

### REGISTERED TRADE UNIONS.

8. Registry of trade unions.
9. Land for trade unions may be purchased or leased.
10. Property of trade unions vested in trustees.
11. Provision in case of absence, etc., of trustees.
12. Actions by or against trustees.
13. Limitation of responsibility of trustees.
14. Treasurer, etc., to account.
15. Punishment for withholding money.

### REGISTRY OF TRADE UNIONS.

16. Annual report to the Minister.
17. Regulations for registry.
18. Rules of registered trade unions. Schedule.
19. Registered office of trade union.
20. Registry of trustees of trade union.
21. Withdrawal or cancelling of certificate.
22. Membership of trade unions.
23. Nominee of deceased member may receive under £50.
24. Change of name.
25. Amalgamation.
26. Registry of change of name or amalgamation.
27. Dissolution.
28. Penalty for failure to give notice.
29. Annual returns to be prepared as Registrar may direct.
30. Circulating false copies of rules, etc., to be a misdemeanour.

### MISCELLANEOUS.

31. Application of Industrial Conciliation and Arbitration Act, 1902.
32. Proceedings in regard to offences and penalties.
33. Governor may make regulations.
34. Saving liability of His Majesty's Government.
35. Application of Interpretation Act, 1898.

### SCHEDULE.







## Western Australia.

ANNO PRIMO ET SECUNDO

EDWARDI VII. REGIS.

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No. XIX.

### AN ACT to provide for the Regulation of Trade Unions.

*[Assented to, 19th February, 1902.]*

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

#### PRELIMINARY.

1. THIS Act may be cited as the Trade Unions Act, 1902. Short title.
2. THE following terms shall, if not inconsistent with the context, have the meanings respectively assigned to them:—

“Amendment of a rule” or “Amendment of rules” shall include a new rule and a resolution rescinding a rule.	<small>Interpretation.</small> Imp. Act, 34 and 35 Vict., c. 31, s. 23, and 39 and 40 Vict., c. 22, s. 16.
“Branch”	

*Trade Unions.*

- “Branch” shall mean any number of the members of a trade union under the control of a central body situated within Western Australia, having a separate fund administered by themselves, or by a committee or officers appointed by themselves, and bound to contribute to a fund under the control of such central body.
- “Office” shall mean the registered office for the time being of a trade union.
- “Officer” shall include any trustee, treasurer, secretary, or member of the committee of a trade union, or any person acting in the capacity of such trustee, treasurer, secretary, or member of the committee.
- “Property” shall mean all real and personal estate (including books and papers).
- “Registered Trade Union” shall mean every trade union registered under this Act.
- “Rules” shall mean the registered rules for the time being, and shall include any registered amendment of rules.
- “The Minister” shall mean the responsible Minister of the Crown administering the Friendly Societies Act, 1894.
- “The Registrar” shall mean the Registrar of Friendly Societies appointed under the Friendly Societies Act, 1894.
- “Trade Union” shall mean any combination, whether temporary or permanent, for regulating the relations between workmen and employers, or between workmen and workmen, or between employers and employers, or for imposing restrictive conditions on the conduct of any trade or business, whether such combination would or would not, if this Act had not been passed, have been deemed to have been an unlawful combination by reason of some one or more of its purposes being in restraint of trade.

Provided that this Act shall not affect:—

- (1.) Any agreement between partners as to their own business:
- (2.) Any agreement between an employer and those employed by him as to such employment:
- (3.) Any agreement in consideration of the sale of the goodwill of a business or of instruction in any profession, trade, or handicraft.

*Criminal*

*Trade Unions.**Criminal Provisions.*

3. THE purposes of any registered trade union shall not, by reason merely that they are in restraint of trade, be deemed to be unlawful so as to render any member of such trade union liable to criminal prosecution for conspiracy or otherwise.

Trade union not criminal.  
Imp. Act, 34 and 35  
Vict., c. 31, s. 2.

4. THE purposes of any registered trade union shall not, by reason merely that they are in restraint of trade, be unlawful so as to render void or voidable any agreement or trust.

Trade union not unlawful.  
Imp. Act, 34 and 35  
Vict., c. 31, s. 3.

5. (1.) NOTHING herein shall enable any Court to entertain any legal proceeding instituted with the object of directly enforcing or recovering damages for the breach of any of the following agreements, namely:—

Trade union contracts, when not enforceable.  
Imp. Act, 34 and 35  
Vict., c. 31, s. 4.

(a.) Any agreement between members of a trade union as such concerning the conditions on which any members for the time being of such trade union shall or shall not sell their goods, transact business, employ, or be employed:

(b.) Any agreement for the payment by any person of any subscription or penalty to a trade union:

(c.) Any agreement for the application of the funds of a trade union—

(1.) To provide benefits to members; or

(2.) To furnish contributions to any employer or workman, not a member of such trade union, in consideration of such employer or workman acting in conformity with the rules or resolutions of such trade union; or

(3.) To discharge any fine imposed upon any person by sentence of a Court of Justice:

(d.) Any agreement made between one trade union and another; or

(e.) Any bond to secure the performance of any of the above-mentioned agreements.

(2.) Nothing in this section shall be deemed to constitute any of the above-mentioned agreements unlawful.

6. EXCEPT as hereinafter provided, the following Acts, that is to say,—

(1.) The Life Assurance Companies Act, 1889,

(2.) The Companies Act, 1893,

(3.) The Friendly Societies Act, 1894,

Certain Acts not to apply to trade unions.

Imp. Act, 34 and 35  
Vict., c. 31, s. 5, and  
39 and 40 Vict., c. 22,  
s. 7.

(4.)

*Trade Unions.*

(4.) Any Act now or hereafter passed regulating Industrial and Provident Societies,

(5.) The Associations Incorporation Act, 1895, and any Acts amending the same respectively, shall not apply to any trade union, and the registration of any trade union under any of the said Acts shall be void.

Trade unions to be subject to Section 34 of the Friendly Societies Act, 1894.

Imp. Act, 39 and 40 Vict., c. 22, s. 2.

7. A TRADE union which insures or pays money on the death of a child under ten years of age shall be deemed to be within the provisions of section thirty-four of the Friendly Societies Act, 1894.

*Registered Trade Unions.*

Registry of trade unions.

Imp. Act, 34 and 35 Vict., c. 31, s. 6.

8. (1.) ANY seven or more members of a trade union may, by subscribing their names to the rules of the union, and complying with this Act with respect to registry, apply to the Registrar in the prescribed manner to register such union.

(2.) Any Council or other body, however designated, representing not less than two registered Trade Unions may be registered as a Trade Union under this Act.

(3.) If any one of the purposes of a trade union be unlawful, the registration shall be void.

Land for trade unions may be purchased or leased.

Imp. Act, 34 and 35 Vict., c. 31, s. 7.

9. A REGISTERED trade union may purchase or take upon lease any land, and may sell, exchange, mortgage, or let the same. No purchaser, assignee, mortgagee, or tenant shall be bound to inquire whether the trustees have authority for any such dealing, and the receipt of the trustees shall be a discharge for the money arising therefrom. For the purposes of this section, every branch of a trade union shall be considered a distinct union.

Property of trade unions vested in trustees.

Imp. Act, 34 and 35 Vict., c. 31, s. 8.

10. (1.) ALL property whatsoever belonging to a registered trade union shall be vested in and be under the control of the trustees, for the use and benefit of such trade union. The property of any branch of a trade union shall be vested in and be under the control of the trustees of such branch, or if the rules of the trade union so provide it shall be vested in and under the control of the trustees of the trade union.

(2.) Upon the death, resignation, or removal of any trustee, the property shall vest in the continuing or succeeding trustees subject to the same trusts, without any conveyance or assignment.

(3.) In all actions, informations, complaints, or other legal proceedings whatsoever, touching or concerning any such property, it shall be stated to be the property of the trustees for the time being of such trade union, without any further description.

(11.)

*Trade Unions.*

11. (1.) WHEN any person in whose name any property belonging to a registered union or branch is standing, either jointly or solely,—

Provision in case of absence, etc., of trustee.

Imp. Act, 39 and 40 Vict., c. 22, s. 24.

- (a.) Is absent from the State; or
- (b.) Becomes bankrupt, or executes any deed for liquidation of his affairs by assignment or arrangement, or for composition with his creditors; or
- (c.) Becomes a lunatic; or
- (d.) Is dead, or has been removed from his office; or
- (e.) If it be unknown whether such person is living or dead,

the Registrar, on application in the prescribed form, may direct the transfer of such property into the names of any other persons as trustees for the union or branch.

(2.) Such transfer shall be made by the surviving or continuing trustee or trustees, or the Registrar may direct that, where such property—

- (a.) Is standing in the books of the Colonial Treasurer, or is in his control, such transfer be made by the Colonial Treasurer;
- (b.) Is standing in the books or in the control of any bank or banking corporation or other corporation or body, such transfer be made by some officer of such bank or banking corporation or other corporation or body to be named in the order;
- (c.) Is standing in the books or is in the hands or control of any other person or persons, such transfer be made by such person or persons.

(3.) The Colonial Treasurer, and every such bank and banking corporation, and all corporations, companies, and persons and their officers and servants respectively, are hereby indemnified for anything done by him or them or any of his or their officers or servants in pursuance of the provisions of this section, against any claim or demand of any person injuriously affected thereby.

12. (1.) THE trustees of any registered trade union, or any other officer of such trade union who may be authorised so to do by the rules thereof, are hereby empowered to bring or defend, or cause to be brought or defended, any action, suit, prosecution, or complaint, in any Court, touching or concerning the property, right, or claim to property of the trade union.

Actions by or against trustees.

Imp. Act, 34 and 35 Vict., c. 31, s. 9.

(2.) In all cases touching or concerning the property, right, or claim to property of a trade union, the trustees shall and may appear and sue and be sued and proceeded against in any Court, in their

*Trade Unions.*

their proper names, without other description than the title of their office.

(3.) No such action, suit, prosecution, or complaint shall be discontinued, or shall abate by the death, resignation, or removal from office of any trustee or other person, but shall be proceeded in by their successor or successors as if such death, resignation, or removal had not taken place; and such successor or successors shall pay or receive the like costs as if the action, suit, prosecution, or complaint had been commenced in their names for the benefit of or to be reimbursed from the funds of such trade union.

(4.) Any suit, complaint, summons, or other proceeding for service on such trustees or other officer may be served by leaving the same at the registered office of the union.

Limitation of  
responsibility of  
trustees.

Imp. Act, 34 and 35  
Vict., c. 31, s. 10.

**13.** A TRUSTEE of a registered trade union shall not be liable to make good any deficiency which may arise or happen in the funds of such trade union, but shall be liable only for the moneys which shall be actually received by him on account of such trade union.

Treasurer, etc., to  
account.

Imp. Act, 34 and 35  
Vict., c. 31, s. 11.

**14.** (1.) EVERY treasurer of a registered trade union at such times as provided by the rules of such trade union, or upon being required so to do, shall render to the trustees of the trade union, or to the members of such trade union, at a meeting of the members thereof, a just and true account of all moneys received and paid by him since he last rendered the like account, and of the balance then remaining in his hands, and of all the property of such trade union; which account the said trustees shall cause to be audited by some fit and proper person or persons by them to be appointed, or to be appointed by the members of such union.

(2.) Such treasurer, if thereunto required, shall forthwith hand over to the said trustees the balance which on such account appears to be due from him, and shall also, if required, hand over to such trustees all property of the union in his hands or custody.

If he fail to do so, the trustees may sue him in any competent Court for the balance appearing to have been due from him upon such account, and for all the moneys since received by him on account of the said trade union, and for the property in his hands or custody, leaving him to set off in such action the sums, if any, which he may have since paid on account of the said trade union; and in such action the said trustees shall be entitled to recover their full costs of suit, to be taxed as between solicitor and client.

Punishment for  
withholding money.

Imp. Act, 34 and 35  
Vict., c. 31, s. 12.

**15.** (1.) IF any person—

(a.) By false representation, obtain possession of any property of such trade union; or

(b.)

*Trade Unions.*

- (b.) Having any such property in his possession, wilfully withhold or fraudulently misapply the same; or
- (c.) Wilfully apply any part of such property to purposes other than those expressed or directed in the rules of such trade union, or any part thereof he shall, upon a complaint made by any person on behalf of such trade union, or by the Registrar, be liable, on summary conviction, to a penalty not exceeding Fifty pounds and costs, and to be ordered to deliver up all such property, or to repay all moneys applied improperly, or damage occasioned, and in default of such delivery or repayment, or of the payment of such penalty and costs aforesaid, to be imprisoned, with or without hard labour, for any time not exceeding six months.

(2.) Nothing herein contained prevents any such person from being proceeded against as for an indictable offence, if not previously convicted of the same offence.

*Registry of Trade Unions.*

16. THE Registrar shall make an annual report to the Minister with respect to the matters transacted by him in pursuance of this Act, and the Minister shall cause copies of such report to be forthwith laid before Parliament.

Annual report to the Minister.

Imp. Act, 34 and 35  
Vict., c. 31, s. 17.

17. WITH respect to the registry under this Act of a trade union, and of the rules thereof, the following provisions shall have effect:—

Regulations for registry.

Imp. Act, 34 and 35  
Vict., c. 31, s. 13.

- (1.) An application to register the trade union and two printed copies of the rules, together with a list of the titles and names of the officers, shall be sent to the Registrar.
- (2.) The Registrar, upon being satisfied that the trade union has complied with the regulations respecting registry in force under this Act, shall register such trade union and such rules: Provided that the Registrar shall not register any trade union any of the rules or purposes whereof are in any respect illegal or contrary to public policy.
- (3.) No trade union shall be registered under a name identical with that under which any other existing trade union has been registered, or so nearly resembling such name as to be likely, in the opinion of the Registrar, to deceive the members or the public.
- (4.) Where a trade union applying to be registered has been in operation for more than a year before the date of such application, there shall be delivered to the Registrar before



*Trade Unions.*

before the registry thereof a general statement of the receipts, funds, effects, and expenditure of such trade union, in the same form and showing the same particulars as if it were the annual general statement required as hereinafter mentioned to be transmitted annually to the Registrar.

- (5.) The Registrar upon registering such trade union shall issue a certificate of registry, which certificate, unless proved to have been withdrawn or cancelled, shall be conclusive evidence that the regulations of this Act with respect to registry have been complied with.
- (6.) On lodgment with the Registrar of any application to register any trade union, there shall be paid to the Registrar a fee of One pound.

Rules of registered  
trade unions.

Imp. Act, 34 and 35  
Vict., c. 31, s. 14.

Schedule.

**18.** WITH respect to the rules of a trade union registered under this Act, the following provisions shall have effect:—

- (1.) The rules of every such trade union shall contain provisions in respect of the several matters mentioned in the schedule of this Act.
- (2.) No amendment of a rule made by a trade union registered under this Act shall be valid until such amendment has been registered, for which purpose two copies of the same, signed by three members and the secretary, shall be sent to the Registrar.
- (3.) On the lodgment with the Registrar of any amendment of rules for registration there shall be paid to the Registrar a fee of Two shillings and sixpence.
- (4.) The Registrar upon being satisfied that there has been compliance with the regulations respecting registry in force under this Act, shall register such amendment of rules: Provided that the Registrar shall not register any amendment of rules which is in any respect illegal or contrary to public policy.
- (5.) The Registrar upon registering such amendment of rules shall issue a certificate of registry, which certificate shall be conclusive evidence that the regulations of this Act with respect to registry have been complied with.
- (6.) A copy of the rules shall be delivered by the trade union to every person on demand, on payment of a sum not exceeding One shilling.

Registered office of  
trade union.

Imp. Act, 34 and 35  
Vict., c. 31, s. 15.

**19.** EVERY registered trade union shall have a registered office to which all communications and notices may be addressed. If any such trade union is in operation for seven days without having such

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such an office, such trade union and every officer thereof shall each incur a penalty not exceeding Five pounds for every day during which it is so in operation.

Notice of the situation of such registered office, and of any change therein, shall be given to the Registrar and recorded by him; until such notice is given, the trade union shall not be deemed to have complied with the provisions of this section.

**20.** A COPY of every resolution appointing or removing a trustee of a trade union or any branch thereof, signed, in the case of a resolution appointing a trustee, by the trustee so appointed and by the secretary of the trade union, and in the case of a resolution removing a trustee by the secretary of the trade union, shall within fourteen days from the passing thereof be sent to the Registrar and recorded by him.

Registry of trustees  
of trade union.

**21.** (1.) NO certificate of registration of a trade union shall be withdrawn or cancelled otherwise than by the Registrar, and in the following cases:—

Withdrawal or  
cancelling of certi-  
ficate.

(a.) At the request of the trade union, to be evidenced in such manner as the Registrar shall from time to time direct:

Imp. Act, 39 and 40  
Vict., c. 22, s. 8.

(b.) On proof to his satisfaction that a certificate of registration has been obtained by fraud or mistake, or that the registration of the trade union is or has become void under section eight of this Act, or that such trade union has, after notice from the Registrar, violated any of the provisions of this Act, or that the number of members of the trade union has been reduced to less than seven, or that the trade union has ceased to exist.

(2.) Not less than one month's notice in writing, specifying briefly the ground of any proposed withdrawal or cancelling of certificate (unless where the same is shown to be or to have become void as aforesaid, in which case it shall be the duty of the Registrar to cancel the same forthwith) shall be given by a Registrar to a trade union before the certificate of registration of the same can be withdrawn or cancelled, unless at the request of such union.

(3.) A trade union whose certificate of registration has been withdrawn or cancelled shall, from the time of such withdrawal or cancelling, absolutely cease to enjoy the privileges of a registered trade union, but without prejudice to any liability actually incurred by such trade union, which may be enforced against the same as if such withdrawal or cancelling had not taken place.

**22.** A PERSON under the age of twenty-one, but above the age of sixteen, may be a member of a trade union, unless provision be made in the rules thereof to the contrary, and may, subject to

Membership of  
trade unions.

Imp. Act, 39 and  
40 Vict., c. 22, s. 9.

the

*Trade Unions.*

the rules of the trade union, enjoy all the rights of a member and execute all instruments and give all acquittances necessary to be executed or given under the rules, but shall not be a member of the committee of management, trustee, or treasurer of the trade union.

Nominee of deceased member may receive under £50.

Imp. Act, 39 and 40 Vict., c. 22, s. 10.

**23.** A MEMBER of a registered trade union not being under the age of sixteen years may, by writing under his hand, served at the registered office of the union, nominate any person not being an officer or servant of the union (unless such officer or servant is the husband, wife, father, mother, child, brother, sister, nephew, or niece of the nominator) to whom any moneys payable on the death of such member (not exceeding One hundred and fifty pounds) shall be paid at his decease, and may from time to time revoke or vary such nomination by a writing under his hand similarly served; and on receiving satisfactory proof of the death of a nominator, the trade union shall pay to the nominee the amount due to the deceased member not exceeding the sum aforesaid.

Change of name.  
Imp. Act, 39 and 40 Vict., c. 22, s. 11.

**24.** A REGISTERED trade union may, with the approval in writing of the Registrar, change its name by the consent of a majority of the total number of members.

No such change shall affect any right or obligation of the trade union or of any member thereof, and any pending legal proceedings may be continued by or against the trustees of the trade union or any other officer, notwithstanding its new name.

Amalgamation.  
Imp. Act, 39 and 40 Vict., c. 22, s. 12.

**25.** ANY two or more registered trade unions may, by the consent of a majority of the members of each or every such trade union, become amalgamated together as one trade union, with or without any dissolution or division of the funds of such trade unions or either or any of them; but no amalgamation shall prejudice any right of a creditor of any union party thereto.

Registry of change of name or amalgamation.

Imp. Act, 39 and 40 Vict., c. 22, s. 13.

**26.** (1.) NOTICE in writing of every change of name or amalgamation signed, in the case of a change of name, by seven members, and countersigned by the secretary of the trade union changing its name, and accompanied by a declaration by such secretary that the provisions of this Act in respect of changes of names have been complied with, and, in the case of an amalgamation, signed by the seven members and countersigned by the secretary of each or every union party thereto, and accompanied by a declaration by each or every such secretary that the provisions of this Act in respect of amalgamations have been complied with, shall be sent to the Registrar and registered by him.

(2.) Until such change of name or amalgamation is so registered the same shall not take effect.

*Trade Unions.*

**27.** THE rules of every registered trade union shall provide for the manner of dissolving the same, and notice of every dissolution of a trade union under the hand of the secretary and seven members of the same shall be sent within fourteen days thereafter to the Registrar.

Dissolution.

Imp. Act, 39 and 40  
Vict., c. 22, s. 14.

**28.** A TRADE union which fails to give any notice or send any document which it is required by this Act or by its rules, to give or send, and every officer or other person bound by the rules thereof or by this Act to give or send the same, or if there be no such officer or other person, then every member of the committee of management of the union, unless proved to have been ignorant of or to have attempted to prevent the omission to give or send the same, is liable to a penalty of not less than One pound and not more than Five pounds, recoverable at the suit of the Registrar or of any person aggrieved, and to an additional penalty of the like amount for each week during which the omission continues.

Penalty for failure  
to give notice.

Imp. Act, 39 and 40  
Vict., c. 22, s. 15.

**29.** (1.) A GENERAL audited statement of the receipts, funds, effects, and expenditure of every registered trade union, showing fully the assets and liabilities at the date, and the receipts and expenditure during the year preceding the date to which it is made out, shall be transmitted to the Registrar before the thirty-first day of March in every year.

Annual returns to  
be prepared as  
Registrar may  
direct.

Imp. Act, 34 and 35  
Vict., c. 31, s. 16.

(2.) Such statement shall show separately the expenditure in respect of the several objects of the trade union, and shall be prepared and made out up to such date, in such form, and shall comprise such particulars as the Registrar may from time to time require; and every member of and depositor in such trade union shall be entitled to receive, on application to the treasurer or secretary of that trade union, a copy of such general statement without payment.

(3.) Every trade union which fails to comply with or acts in contravention of this section, and also every officer of the trade union so failing or acting, shall each be liable to a penalty not exceeding Five pounds for each offence.

(4.) Every person who wilfully makes or orders to be made any false entry in or any omission from any such general statement shall be liable to a penalty not exceeding Fifty pounds for each offence.

**30.** IF any person, with intent to mislead or defraud, gives to any member of a trade union registered under this Act, or to any person intending or applying to become a member of such trade union, a copy of any rules or of any alterations or amendments of the

Circulating false  
copies of rules, etc.,  
to be a misde-  
meanour.

Imp. Act, 34 and 35  
Vict., c. 31, s. 18.

*Trade Unions.*

the same other than those respectively which are registered for the time being, on the pretence that the same are the registered rules of such trade union, or that there are no other rules of such trade union, or if any person with the intent aforesaid gives a copy of any rules to any person on the pretence that such rules are the rules of a trade union registered under this Act which is not so registered, every person so offending shall be deemed guilty of a misdemeanour.

*Miscellaneous.*

Application of  
Industrial  
Conciliation and  
Arbitration Act,  
1902.

**31.** (1.) A REGISTERED trade union may be registered under the Industrial Conciliation and Arbitration Act, 1902, by the same name as it is registered under this Act with the insertion of the additional words provided for by section five of the said Act.

(2.) Every branch of a trade union shall be considered for the purposes of the said Act as a distinct union and may be separately registered.

(3.) For the purposes of the said Act the rules for the time being of the trade union, with such addition or modification as may be necessary to give effect to the said Act, shall, when registered under the said Act, be deemed to be the rules of the industrial union.

Proceedings in re-  
gard to offences and  
penalties.

**32.** EVERY trade union, officer, or member of a trade union, or other person guilty of an offence under this Act for which no penalty is expressly provided herein, shall be liable, on conviction, to a penalty not exceeding Ten pounds on information or complaint by the Registrar or any person aggrieved.

Governor may make  
regulations.

Imp. Act, 34 and 35  
Vict., c. 31, s. 13 (6).

**33.** (1.) THE Governor may from time to time make, alter, and repeal regulations for the following purposes, or any of them:—

- (a.) Providing for registry and procedure under this Act, and the seal of the Registrar and the forms to be used for such registry
- (b.) Prescribing the duties and functions of the Registrar.
- (c.) Prescribing the conditions under which and the manner in which inspection of documents kept by the Registrar may be made
- (d.) Determining a scale of fees to be paid for matters transacted, and the inspection of documents under the Act, including the fees to be paid to the Registrar for any certificate
- (e.) Providing for all other matters and things necessary for carrying out the objects of this Act.

(2.)

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*Trade Unions.*

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(2.) Such regulations may impose penalties for acts or defaults contrary thereto not exceeding Ten pounds for any such act or default.

**34.** NOTHING contained in this Act shall in any way be deemed or construed to impose any liability on His Majesty's Government.

*Saving liability of  
His Majesty's  
Government.*

**35.** SECTIONS A, D, F, G, H, and I, contained in the Second Schedule of the Interpretation Act, 1898, shall be incorporated herewith.

*Application of  
Interpretation Act,  
1898.*

In the name and on behalf of the King I hereby assent  
to this Act.

ARTHUR LAWLEY, Governor.

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*Trade Unions.*

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SCHEDULE.

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Section 18 (1).

Matters to be provided for by the rules of trade unions registered under this Act:—

1. The name and the situation of the registered office of the trade union.
2. The whole of the objects for which the trade union is to be established, the purposes for which the funds thereof shall be applicable, the terms of admission of members, the conditions under which any member may become entitled to any benefit assured thereby, the fines and forfeitures to be imposed on any member and the consequences of non-payment of any subscription or fine.
3. The mode of holding meetings and right of voting and the manner of making, altering, amending, and rescinding rules.
4. The appointment and removal of a committee of management (by whatever name), of trustees, a secretary, treasurer, and other officers (if any), and a provision that there shall be at least three trustees of the trade union.
5. The investment of the funds, the keeping of the accounts, and the audit of the same once a year at least.
6. An annual return to the Registrar of the receipts, funds, effects, expenditure, and number of members of the trade union.
7. The inspection of the books and names of members of the trade union by every person having an interest in the funds of the trade union.
8. The manner of dissolving the trade union.



## Western Australia.

ANNO PRIMO ET SECUNDO

EDWARDI VII. REGIS.

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No. XX.

AN ACT to amend the Land Act, 1898.

*[Assented to, 19th February, 1902.]*

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. THIS Act may be cited as the Land Act Amendment Act, 1902, and shall be construed together with the Land Act, 1898 (hereinafter called the principal Act), and the Land Act Amendment Act, 1900.

Short title.

2. THE principal Act is hereby amended, as follows:—

(a.) In section five, the words "other lands in the State" are substituted for the words "land alienated in fee simple."

Amendment of  
principal Act.  
Section 5.

(b.) In section fifty-three, insert in line three, after the word "area," the words "and from time to time alter the boundaries thereof."

Section 53.

(c.) In section fifty-five, subsection one, the following proviso is added: "Provided that in no case shall the annual

Section 55.



*Land Act—Amendment.*

annual instalment of purchase money be less than One pound."

- Section 55. (d.) In section fifty-five, subsection five, the following proviso is added: "Provided also that where the lessee under this Act erects a rabbit-proof exterior fence, capable of resisting great and small stock, the Minister may allow two-thirds of the value of such exterior fence to be deemed part of the prescribed improvements."
- Section 59. (e.) In section fifty-nine, the words "five thousand acres instead of," occurring in lines ten and eleven, and the words "as prescribed for selections under the said section within an agricultural area," occurring in lines eleven and twelve, are repealed, and the words "if situated within forty miles of a railway," in line five, are struck out.
- Section 68. (f.) In section sixty-eight, subsection two, strike out the words "not more than two leases shall be held by one person and," and between the words "for" and "is," in line eight, insert "adjoins the holding of the applicant, the minimum shall be three hundred acres; or if the land applied for."
- Section 68. (g.) In section sixty-eight, subsection seven, the following words are added: "Provided also that where the lessee erects a rabbit-proof exterior fence, the Minister may allow half of the value of such exterior fencing to be deemed part of the prescribed improvements."
- Section 74. (h.) In section seventy-four, line seven, after the word "sixty," the following words are inserted: "Nor less than ten."
- Section 78. (i.) In section seventy-eight the following proviso is added:—  
"Provided that, if the selector holds any lands under conditional purchase under Part V. of this Act, adjoining his homestead farm, then residence and improvements on such lands shall be a sufficient compliance with the conditions of residence and improvement required on the homestead farm, with the exception of external fencing of the homestead farm and of any lands held under conditional purchase, but such improvements must be in addition to those required by Part V. on the conditional purchase lands."
- Section 148. (j.) In section one hundred and forty-eight, subsection six, the following proviso is added: "Provided that unless the award of the arbitrators or the Resident Magistrate is at least seventy-five per centum of the amount claimed,

*Land Act—Amendment.*

claimed, no costs shall be awarded to the lessee or any person claiming under him."

- (k.) In the Thirty-fourth Schedule, the figure "5," in the second line, is struck out, and the figures "1s. (one shilling)" are inserted in lieu thereof. 34th Schedule.

**3. SECTION** one hundred and fifty-two of the principal Act is struck out, and the following section substituted therefor:— Amendment of section 152 of principal Act.

152 ON receiving application in the form or to the effect of the Twenty-eighth Schedule, the Governor may grant leases of any Crown land for any area not exceeding (except in the case of leases for guano or other manure, or for the collection and manufacture of salt) twenty-five acres, for a term not exceeding twenty-one years from the date thereof, at a yearly rental of not less than Three pounds for any of the following purposes (that is to say):—

- (1.) For obtaining and removing therefrom guano or other manure;
- (2.) For obtaining and removing therefrom stone or earth;
- (3.) For sites for inns, stores, smithies, bakeries, or similar buildings;
- (4.) For sites for bathing-houses, bathing-places, bridges, toll-houses, or ferries, and punt-houses;
- (5.) For sites for tanneries, factories, saw or paper mills, stores, warehouses, or dwellings;
- (6.) For sites for wharves, jetties, quays, and landing-places, or for sites for the depositing of materials;
- (7.) For the working of mineral springs;
- (8.) For sites for ship and boat-building, or repairing and marine and general engineering works;
- (9.) For the collection and manufacture of salt;
- (10.) For taking, diverting, conserving, and using water for mining, agricultural, industrial, and other purposes;
- (11.) For works for supplying water, gas, or electricity;
- (12.) For market gardens;
- (13.) For fishing stations, and for the purpose of drying, canning, or preserving fish;
- (14.) For any other purpose approved by the Governor by notice in the *Gazette*;

Provided

*Land Act—Amendment.*

Provided that in all cases where it is proposed to grant a lease for a longer term than ten years, notice of the application for such lease and of the purpose and term for which it is proposed to be granted shall be published in four consecutive ordinary numbers of the *Gazette*, at least one month before the grant of such lease.

Amendment of  
Section 146 of  
principal Act.

4. IN connection with any difference of opinion between the valuers or arbitrators appointed under section one hundred and forty-six of the principal Act, such difference shall be determined by an umpire to be chosen by the valuers or arbitrators, as the case may be, or, if they cannot agree, to be chosen by the Governor; and such umpire shall have all the powers given by section one hundred and forty-eight to a Resident Magistrate.

Governor may dispose  
of inferior lands at  
less than 10s. an  
acre.

5. NOTWITHSTANDING anything contained in the principal Act, any Crown Land (whether within an Agricultural Area or not) which is proved to the satisfaction of the Minister to be second or third-class land, may be disposed of, subject to the conditions of sections fifty-five, fifty-six, or fifty-seven of the principal Act, at a price less than Ten shillings an acre, to be fixed by the Governor in each case, according to the classification of the land: Provided that in no case shall the price for either class of land be less than that fixed as the minimum price for the same class of land under section sixty-eight.

Governor may close  
any road.

*amended  
by 22 of 1905*

6. THE Governor may, by proclamation in the *Gazette*, after the opinion of the Roads Board has been requested, close any road or reservation for a road which may have been surveyed or shown as a road on any plan published by the Department of Lands and Surveys: Provided that such road is not within the limits of a municipality ~~or townsite~~, and has not been declared a Government road or declared a road under the Roads Act, 1888, or any amendment thereof.

Governor may ex-  
clude resumed land  
from Crown Grant.

7. THE Governor may exclude from the Crown Grant of any land held under lease from the Crown with a right of purchase any portion of such land which has been legally resumed or taken between the date of the lease and the issue of the Crown Grant.

Timber lessees and  
licensees may be  
authorised to con-  
struct tramways.

8. THE Governor may grant to any lessee or licensee, under Part XI. of the principal Act upon such conditions as to the Governor may seem fit, permission—

- (a.) To construct and use tramways through and upon any Crown land or reserve, and to employ locomotive engines or other motive power and wagons for the haul-  
age

*Land Act—Amendment.*

age of timber, piles, poles, barks, sandalwood, or firewood lawfully felled, cut, split, or removed ; and

- (b.) To connect any such tramway with any Government Railway, subject to the regulations of the Railway Department made from time to time with respect to private sidings.

Any such permission may be revoked at the will of the Governor, and no person shall be entitled to recover compensation for any loss or damage he may sustain in consequence of such revocation.

9. AS from the thirtieth day of June, nineteen hundred and two, nothing contained in sections sixty-nine and seventy-two of the principal Act shall apply to the South-West Division of the State.

Sections 69 and 72 of principal Act not to apply to South-West Division.

10. (1.) IT shall be a condition of any grant under section eight, subsection (a), that, so far as any tramway may be constructed over a timber reserve, the grantee shall not cut any timber or firewood outside a limit of one chain on each side of the line.

Cutting of Timber limited on Reserves.

(2.) If encroachment be made on the declared timber reserves by the person or persons having the license to pass over them, the Minister shall cancel the license.

(3.) The conditions upon which any license to lay down such tramway is granted shall be laid upon the table of both Houses of Parliament, if in Session, within fourteen days after the grant, and such license shall be conditional upon both Houses of Parliament not disallowing such conditions.

11. NO timber lease or exclusive license over any timber land shall be granted within the boundaries of the declared goldfields.

Timber Leases not to be granted on declared Goldfields.

In the name and on behalf of the King I hereby assent to this Act.

ARTHUR LAWLEY, Governor.



# *The Industrial Conciliation and Arbitration Act, 1902.*

(1st and 2nd Edward VII., No. 21.)

## ARRANGEMENT OF SECTIONS.

- Title.
1. Short title.
  1. PRELIMINARY.  
*Interpretation.*
  2. Interpretation.
  2. REGISTRATION.  
*Industrial Unions.*
  3. What societies may be registered. Mode of application. Terms of rules. Further provisions required in rules.
  4. Registration of society.
  5. Incorporation of society. Registered name.
  6. Branch may be treated as distinct society.
  7. Registration under this Act of trade unions.
  8. Special provisions as to registering societies of employers.
  9. Societies not to be registered under similar names.
  10. Provision to prevent multiplicity of unions.
  11. Effect of registration.
  12. Amendment of rules. Printed copies to be supplied.
  13. Registered office and branch office of industrial union.
  14. Members may be sued for dues.
  15. Power to purchase or lease land.
  16. Industrial unions to send half-yearly list of members and officers to Registrar. Penalty. Recovery of penalty. Return for Parliament.
  17. Industrial unions to send yearly balance sheet to Registrar.
  18. Industrial union may sue in registered name. Service of notices.
  19. Mode of executing deeds and instruments.
  20. Procedure for cancellation of registration.
  - Industrial Associations.*
  21. Industrial associations may be registered.
  22. Provisions affecting unions applicable.
  3. INDUSTRIAL AGREEMENTS.
  23. Parties to industrial agreements defined. Term and form of agreement. Date of agreement. Agreement to continue in force for parties not retired. Mode of retirement.
  24. Duplicate to be filed.
  25. Parties to agreement may be added.
  26. On whom agreement binding. Enforcement of agreements.
  27. Agreements may be varied, renewed, or cancelled.
  4. CONCILIATION AND ARBITRATION.  
*Districts and Clerks.*
  28. Constitution of industrial districts.
  29. Alteration of boundaries.
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  35. Term of office.
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  37. Provisions for ordinary elections. Schedule. Declaration of office and secrecy.
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  40. Resignation of member.
  41. Casual vacancies.
  42. How casual vacancy to be filled.
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  44. Governor may appoint on failure to elect Chairman or member.
  45. Quorum of Board. Absence of Chairman.
  46. Mode of voting.
  47. Acts of Board not to be questioned for informality.
  48. Term of office of Board may be extended if engaged in hearing dispute.
  - Special Boards of Conciliators.*
  49. Special Boards may be created in certain cases.
  50. All other provisions applied subject to certain modifications.
  - Functions and Procedure of Conciliation Boards.*
  51. Procedure for reference of industrial disputes to Board.
  52. Powers and duties of Board for hearing dispute.
  53. Report or recommendation of Board to be filed.

## *Industrial Conciliation and Arbitration.*

54. Procedure if parties accept Board's recommendation.
55. Memorandum of settlement.
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60. Procedure for appointment of members.
61. Term of office.
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64. Power of removal by Governor.
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### *Jurisdiction and Procedure of the Court.*

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71. Parties to proceedings before Court.
72. Sittings of Court.
73. Appearance of parties.
74. Powers of Court.
75. Evidence. Provision for obtaining evidence at a distance.
76. Quorum.
77. Decision to be of majority of Court.
78. President to deliver decision.
79. Matters may be referred to a Board for investigation.
80. Court may dismiss frivolous cases.
81. Court may award costs and apportion same.
82. When award to be made.
83. Award to be signed, sealed, and deposited in office.
84. Terms of award.
85. Special powers to extend, or join parties to an award.
86. Application may be made to Court by any party.
87. Proceedings not to be impeached for want of form.
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89. Court may prescribe minimum rate of wages.
90. Amount of costs or expenses to be fixed.
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94. Jurisdiction of Court to deal with offences.

### *General Provisions as to Board and Court.*

95. Disqualification of members of Board or Court.
96. References to Board or Court to be approved by resolution of union.
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98. Prohibition of strikes or lock-outs.
99. Appointment of experts as Assessors to Board or Court.
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### SCHEDULE.

Section 37.



## Western Australia.

ANNO PRIMO ET SECUNDO

EDWARDI VII. REGIS.

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No. XXI.

AN ACT to amend the Law relating to the Settlement of Industrial Disputes by Conciliation and Arbitration.

[Assented to, 19th February, 1902.]

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

The marginal references to other Acts denote corresponding, not necessarily identical, provisions.

1. THE short title of this Act is the Industrial Conciliation and Arbitration Act, 1902.

Short title.  
1900 Act, s. 1.  
N.Z. Act, s. 1.

### 1. PRELIMINARY.

#### *Interpretation.*

2. IN this Act, if not inconsistent with the context,—

“Board” means a Board of Conciliation for an industrial district constituted under this Act:

Interpretation.  
1900 Act, s. 2.  
N.Z. Act, s. 2.

“Court” means the Court of Arbitration constituted under this Act:

“Employer”



*Industrial Conciliation and Arbitration.*

“Employer” includes persons, firms, companies, and corporations employing one or more workers:

“Industrial association” means an industrial association registered under this Act:

“Industrial dispute” means any dispute arising between one or more employers or industrial unions or associations of employers and one or more industrial unions or associations of workers in relation to industrial matters:

“Industrial matters” means all matters affecting or relating to work done or to be done by workers, or the privileges, rights, and duties of employers or workers in any industry, not involving questions which are or may be the subject of proceedings for an indictable offence; and, without limiting the general nature of the above definition, includes all matters relating to—

(a.) The wages, allowances, or remuneration of workers employed in any industry, or the prices paid or to be paid therein in respect of such employment;

(b.) The hours of employment, sex, age, qualification, or status of workers, and the mode, terms, and conditions of employment;

(c.) The employment of children or young persons, or of any class of persons, in any industry, or the dismissal of or refusal to employ any class of persons therein;

(d.) The claim of members of an industrial union of employers to preference of service from unemployed members of an industrial union of workers;

(e.) Any established custom or usage of any industry, either generally or in the particular locality affected;

(f.) Any claim arising under an industrial agreement:

“Industrial union” means an industrial union registered under this Act:

“Industry” means any business, trade, manufacture, undertaking, calling, or employment in which workers are employed:

“Minister” means the member of the Executive Council appointed by the Governor to administer this Act:

“Officer”

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“Officer” means president, vice-president, chairman, treasurer, or secretary:

“Prescribed” means prescribed by regulations under this Act:

“Registrar” means the Registrar of Friendly Societies:

“Trade Union” means a trade union registered under the Trade Unions Act, 1902.

“Worker” means any person of the age of sixteen years and upwards of either sex employed or usually employed by any employer to do any skilled or unskilled manual or clerical work for hire or reward in any industry.

## 2. REGISTRATION.

*Industrial Unions.*

## 3. (1.) ANY society consisting—

(a.) In the case of employers, of two or more persons who have in the aggregate throughout the six months next preceding the date of the application for registration employed on an average, taken per month, not less than fifty workers, or

(b.) In the case of workers, of any number of workers not less than fifteen,

What societies may be registered.

1900 Act, s. 3.

N.Z. Act, s. 5.

associated for the purpose of protecting or furthering the interests of employers or workers in or in connection with any specified industry or industries in the State, may be registered as an industrial union under this Act on compliance with the following provisions:—

(2.) An application for registration shall be made to the Registrar in the prescribed form, accompanied by (a) a list of the members and officers, and the trustees (if any) of the society; (b) two copies of the rules of the society, and (c) a copy of a resolution passed by a majority of the members present in person or by proxy at a general meeting of the society, specially called for such purpose, and desiring registration. Such list, copies of rules, and copy of resolution shall be verified by the statutory declaration of one of the persons making the application.

Mode of application.

1900 Act, s. 4 (1, 2).

N.Z. Act, s. 5 (1, 2).

(3.) The rules shall specify the purposes for which the society is formed, and shall provide for—

Terms of rules.

1900 Act, s. 4 (3).

N.Z. Act, s. 5 (3).

(a.) The appointment and removal and powers and duties of a committee of management, a chairman, secretary, and any other necessary officers, and, if thought fit, of a trustee or trustees:

(b.) The manner of calling general or special meetings, the powers thereof, and the quorum and manner of voting thereat:

(c.)

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Cp. s. 18 of this Act.

- (c.) The mode in which industrial agreements and all deeds and instruments shall be made and executed on behalf of the society, and in what manner the society shall be represented in proceedings before a Board or the Court:
- (d.) The device, custody, and use of the seal:
- (e.) The control of the property, and the investment of the funds of the society, and an annual or other shorter periodical audit of the accounts:
- (f.) The inspection of the books and the register of members by every person having an interest in the funds:
- (g.) A register of members, and for the mode in which and the terms and qualification on which persons shall become or cease to be members, provided that no member shall discontinue his membership without giving at least three months' previous written notice to the secretary, nor until such member has paid all fees, fines, levies, or other dues payable by him under the rules, or has obtained a clearance card duly issued in accordance with the rules;
- (h.) The purging of the register by striking off members in arrears of dues for such period as prescribed by the rules not exceeding twelve months; but without freeing such persons from arrears due;
- (i.) The conduct of the business of the society at some convenient and specified address to be called the registered office of the society;
- (j.) Any prescribed matter or any matter approved by the Registrar and not contrary to law;
- (k.) The amendment, repeal, or alteration of the rules, subject to the foregoing requisites of this section.

1900 Act, s. 5 (1).

N.Z. Act, s. 5 (3k).

Further provisions  
required in rules.

(4.) Such rules shall expressly provide that (a) no person shall be a member who is not a worker or employer as the case may be, and that (b) no part of the funds or property of the industrial union shall be paid or applied for or in connection with or to aid or assist any person or persons engaged in any strike or lock-out in this State, and that (c) all industrial disputes in which the industrial union or any of its members may be concerned shall, unless settled by mutual consent, be referred for settlement pursuant to this Act.

Registration of  
society.

1900 Act, s. 6.

N.Z. Act, s. 6.

4. (1.) ON being satisfied that the society is qualified to register, and that the provisions of the last preceding section have been complied

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complied with, the Registrar shall register the society as an industrial union, and shall issue a certificate of registration, which shall, until cancelled, be conclusive evidence of the fact and validity of such registration.

(2.) The Registrar shall at the same time register the rules, and also the address of the registered office.

(3.) An industrial union shall be deemed to be within the industrial district wherein its registered office is situate.

**5.** (1.) EVERY society registered as an industrial union shall, upon and during registration, become, for the purposes of this Act, a body corporate by the registered name, having perpetual succession and a common seal.

*Incorporation of society.*  
1900 Act, s. 7.  
N.Z. Act, s. 7 (1).

(2.) There shall be inserted in the registered name of every industrial union the words "union of employers" or "union of workers," according as such union is a union of employers or workers, and also (except in the case of an incorporated company) the name of the industry in connection with which it is formed, and the locality in which the majority of its members reside or exercise their calling, as thus: "The Goldfields Plumbers' Industrial Union of Employers"; "The Perth Tailors' Industrial Union of Workers."

*Registered name.*  
1900 Act, s. 7.  
N.Z. Act, s. 7 (2).

**6.** ANY branch of a society or industrial union may be treated as a distinct society, and, with the approval of the Registrar, may be separately registered as an industrial union.

*Branch may be treated as distinct society.*  
1900 Act, s. 9.  
N.Z. Act, s. 8 (2).

**7.** (1.) ANY trade union may be registered under this Act by the same name, with the insertion of the additional words provided for by section five hereof.

*Registration under this Act of trade unions.*

(2.) Every branch of a registered trade union, also every branch of any trade union whose head office is outside the State, shall be considered, for the purposes of this Act, as a distinct union, and may be separately registered.

(3.) For the purposes of the Act, the rules for the time being of the trade union, with such addition or modification as may be necessary to give effect to this Act shall, when registered, be deemed to be the rules of the industrial union.

**8.** WITH respect to the registration of societies of employers—

*Special provisions as to registering societies of employers.*  
1900 Act, s. 3.  
N.Z. Act, s. 9.

(1.) Where a co-partnership firm is a member of the society, each individual partner residing in the State shall be deemed to be a member, and the name of each such partner (as well as that of the firm) shall be set out in the

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the list of members accordingly, as thus: "Watson, Brown, and Company, of Perth, boot manufacturers; the firm consisting of four partners, of whom the following reside in Western Australia, that is to say, John Watson, of Perth, and Charles Brown, of Fremantle":

- (2.) Except where its memorandum, articles, or rules expressly forbid the same, any company incorporated under any Act, or coming within the definition of foreign company within the meaning of the Companies Act, 1893, and which has, in the aggregate, throughout the six months next preceding the date of the application for registration, employed on an average, taken per month, not less than fifty workers, may be registered as an industrial union of employers, and in such case the provisions of section three hereof shall be deemed to be sufficiently complied with if the application for registration is made under the seal of the company, and pursuant to a resolution of the board of directors, and is accompanied by—
  - (a.) A copy of such resolution;
  - (b.) Satisfactory evidence of the registration or incorporation of the company;
  - (c.) Two copies of the memorandum and articles of association or rules of the company;
  - (d.) A list containing the names of the directors, and of the manager or other principal executive officer of the company in Western Australia;
  - (e.) The address of the registered office of the company in Western Australia.
- (3.) In so far as the memorandum, articles, or rules of any company are repugnant to this Act, they shall, on the registration of the company as an industrial union of employers, be construed as applying exclusively to the company and not to the industrial union.
- (4.) Notwithstanding anything to the contrary contained in the memorandum or articles of association or rules of any company, such company may, with the consent of its manager or other principal executive officer in Western Australia, become a member of any society or industrial union of employers or a party to any industrial agreement.

9. AN industrial union shall not be registered under a name identical with that by which any other industrial union has been registered, or so nearly resembling such name as to be likely, in the opinion of the Registrar, to deceive the members or the public.

Societies not to be registered under similar names  
1900 Act, s. 10.  
N.Z. Act, s. 10.

10.

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**10.** IN order to prevent the needless multiplication of industrial unions connected with the same industry in the same locality, the following provisions shall apply:—

Provision to prevent  
multiplicity of  
unions.

N.Z. Act, s. 11.

- (1.) The Registrar shall refuse to register a society where, in the same locality and connected with the same industry, there exists an industrial union to which the members of such society may conveniently belong: Provided that the Registrar shall in the case of every such application notify such industrial union thereof.
- (2.) If the society applying for registration is dissatisfied with the Registrar's refusal to register, or if any Industrial Union is dissatisfied with the Registrar's registration of a society on the ground that such registration should have been refused in accordance with subsection one, such society or union may, in the prescribed manner and time, appeal against such decision to the President of the Court, whereupon the President of the Court shall direct whether such society shall be registered or not, and the Registrar shall be guided accordingly: Provided that it shall lie on the society to satisfy the President of the Court that, owing to distance, diversity of interest, or other substantial reason, it will be more convenient for the members to belong to an industrial union separately registered than to join any existing industrial union as aforesaid.

**11.** UPON registration the industrial union, and members thereof for the time being, shall be subject to the jurisdiction of a Board and the Court, and to all the provisions of this Act; and all such members shall be bound by the rules of the industrial union during the continuance of their membership.

Effect of  
registration.  
1900 Act, s. 11.  
N.Z. Act, s. 12.

**12.** (1.) COPIES of all additions to or amendments or rescissions of the rules of an industrial union shall, after being verified by the statutory declaration of the secretary or some other prescribed officer of the industrial union, be sent to the Registrar, who shall register the same upon being satisfied that the same are not in conflict with this Act. No such addition, amendment, or rescission shall be valid until registered.

Amendment of  
rules.  
1900 Act, s. 5 (2).  
N.Z. Act, s. 13 (1).

(2.) A printed copy of the rules for the time being of the industrial union shall be delivered by the secretary to any person applying for the same on payment of a sum not exceeding One shilling.

Printed copies to be  
supplied.  
1900 Act, s. 5 (3).  
N.Z. Act, s. 13 (2).

(3.) In all proceedings affecting the industrial union, *prima facie* evidence of the rules and their validity may be given by the production of what purports to be a copy thereof, certified as a true copy

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copy under the seal of the union and the hand of the secretary or any other prescribed officer.

Registered office  
and branch office  
of industrial union.  
1900 Act, s. 33 (3).  
N.Z. Act, s. 14.

**13.** (1.) IN addition to its registered office, an industrial union may have a branch office in any other industrial district in which any of its members reside or exercise their calling.

(2.) Upon application by the industrial union, under its seal and the hand of its chairman or secretary, specifying the address of the branch office, the Registrar shall register the same.

(3.) The address of the registered office and of each registered branch office may be changed from time to time in the prescribed manner.

(4.) Every such change shall be forthwith notified to the Registrar by the secretary of the union, and shall thereupon be registered.

Members may be  
sued for dues.  
1900 Act, ss. 19 & 4,  
(3 h).  
N.Z. Act, s. 15.

**14.** ALL moneys payable to an industrial union by any member under its rules may, in so far as they are owing for any period of membership subsequent to registration, be sued for and recovered in the name of the industrial union in any Court of competent jurisdiction by the secretary or the treasurer of the industrial union, or by any other person who is authorised in that behalf by the rules.

Power to purchase  
or lease land.  
1900 Act, s. 8.  
N.Z. Act, s. 16.

**15.** AN industrial union may purchase or take on lease, in the name of the union or of trustees for the union, any land or building, and may sell, mortgage, exchange, or let the same or any part thereof; and no person shall be bound to inquire whether the union or the trustees have authority for such purchase, sale, mortgage, exchange, or letting. The receipt of the said union or the trustees shall be a discharge for all moneys payable in respect of any such transaction.

Industrial unions to  
send half-yearly list  
of members and  
officers to Registrar.  
1900 Act, s. 15.  
N.Z. Act, s. 17.

**16.** (1.) IN the months of January and July in every year there shall be forwarded to the Registrar by every industrial union a list of the members and officers (including trustees) of such union, as at the close of the last preceding month: Provided that, in the case of a company, it shall be sufficient if the list contains the names of the directors and of the manager or other principal executive officer thereof in Western Australia. No industrial union of workers shall return as a member any worker whose subscription is twelve months in arrear. Each such list shall be verified by the statutory declaration of the chairman or secretary of the industrial union, or in the case of a company by the statutory declaration of any director or of the manager or other principal executive officer thereof in Western Australia.

(2.)

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(2.) An industrial union making default in forwarding such list is guilty of an offence against this Act, and is liable to a penalty not exceeding Two pounds for every week during which such default continues, and every member of the committee of management of any union who permits such default is guilty of an offence against this Act, and is liable to a penalty not exceeding Five shillings for every week during which he permits such default.

Penalty.  
1900 Act, s. 18.  
N.Z. Act, s. 17.  
(4 and 5).

(3.) Proceedings for the recovery of any penalty under this section shall be taken on the information or complaint of the Registrar.

Recovery of penalty.  
Cp., 1900 Act s.  
89 (1).  
N.Z. Act, s. 17 (6).

(4.) It shall be the duty of the Registrar to supply to Parliament, within thirty days after its meeting in each year, a return showing the number of members in each industrial union registered under the Act.

Return for Parliament.  
N.Z. Act, s. 17 (7).

17. THE secretary of every industrial union shall, within one calendar month after the completion of the yearly audit of the accounts of the union, deliver to the Registrar a duly audited balance sheet of the assets and liabilities of the union, made up to the date of closing the accounts, and also a duly audited statement of the receipts and expenditure of the union during the year, the subject of such audit.

Industrial unions to send yearly balance-sheet to Registrar.  
1900 Act, s. 4 (6, 7).

If any secretary shall neglect to furnish such balance-sheet and statement within the time aforesaid, he shall be guilty of an offence against this Act and shall, for every such offence, forfeit and pay a sum not less than One pound and not exceeding Ten pounds, recoverable on the information or complaint of the Registrar.

18. EVERY industrial union may sue or be sued for the purposes of this Act by the name by which it is registered; and service of any process, notice, or document of any kind may be effected by delivering the same to the chairman or secretary of such union, or by leaving the same at its registered office (not being a branch office), or by posting the same to such registered office in a duly registered letter addressed to the secretary of such union.

Industrial union may sue in registered name.  
Service of notices.  
1900 Act, s. 17.  
N.Z. Act, s. 18.

19. DEEDS and instruments to be executed by an industrial union for the purposes of this Act may be made and executed under the seal of such union and the hands of the chairman and secretary thereof, or in such other manner as the rules of such union prescribe.

Mode of executing deeds and instruments.  
1900 Act, s. 18.  
N.Z. Act, s. 19.  
Cp. s. 3 (3, c.) of this Act.

20. (1.) AN industrial union may apply to the Registrar in the prescribed manner for a cancellation of the registration thereof, and thereupon the Registrar, if satisfied that the cancellation is desired by a majority of the members of such union, and after giving six weeks

Procedure for cancellation of registration.  
1900 Act, s. 12.  
N.Z. Act, s. 20.



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weeks' notice of his intention so to do, may by notice in the *Gazette*, cancel such registration :

N.S.W. Act, s. 8.

(2.) If upon the application to the Registrar of any industrial union it is shown, or if it appears to the Registrar—

- (a.) That for any reasons which appear to him to be good, the registration of an industrial union ought to be cancelled ; or
- (b.) That an industrial union has been registered erroneously or by mistake ; or
- (c.) That the provisions of the rules, articles, or regulations of the union are inadequate, or have not *bonâ fide* been observed ; or
- (d.) That the proper authority of the union wilfully neglects to provide for the levying and collection of subscriptions, fees, or penalties from members of the union ; or
- (e.) That the accounts of the union have not been duly audited, or that the accounts of the union or of the auditor do not disclose the true financial position of the union ;
- (f.) That any industrial union has wilfully neglected to obey any order of the Court,

he may, after giving six weeks' notice to the secretary of the union of his intention so to do, and, unless cause is shown to the contrary, by notice in the *Gazette*, cancel such registration.

If notice of objection is given on behalf of the union objected to or if the industrial union making the application is dissatisfied with the decision of the Registrar, the Registrar shall refer the application to the President of the Court, giving notice thereof to the secretaries of the unions.

The President shall hear the said application, and if of opinion that the registration of the union should be cancelled, may so order, and thereupon the registration and incorporation of the union under this Act shall be void.

Cp. s. 84 (2) of this Act.

1900 Act, s. 12.

N.Z. Act, s. 20 (2).

(3.) Such cancellation shall dissolve the incorporation of the industrial union, in so far as this Act is concerned, but shall not relieve the union, or any member thereof, from the obligation of any industrial agreement, or any award or order of the Court, nor from any penalty or liability incurred prior to such cancellation.

No cancellation during pendency of proceedings.

N.S.W. Act, s. 9.

(4.) During the pendency of any reference to the board or Court, no application for the cancellation of the registration of an industrial union shall be made or received, and no resignation or discharge of the membership of any industrial union or of any company, association, trade union, or branch, constituting an industrial union, shall have effect.

*Industrial*

*Industrial Conciliation and Arbitration.**Industrial Associations.*

**21.** (1.) ANY council or other body, however designated, representing not less than two industrial unions of either employers or workers may be registered as an industrial association of employers or workers under this Act.

Industrial associations may be registered.  
1900 Act, s. 13.  
N.Z. Act, s. 21.

(2.) The Registrar may, for each industrial district, register a Trades and Labour Council representing industrial unions of workers within such district which are not for the time being represented upon an industrial association.

**22.** ALL the provisions of this Act relating to industrial unions, their officers, trustees, and members, shall, *mutatis mutandis*, extend and apply to a registered industrial association and Trades and Labour Council respectively, its officers, trustees, and members, and such provisions shall be read and construed accordingly in so far as the same are applicable: Provided that no industrial association or Trades and Labour Council shall be entitled to nominate or vote for the election of members of a Board, or to recommend the appointment of a member of the Court.

Provisions affecting unions applicable.  
1900 Act, s. 13.  
N.Z. Act, s. 22.

**3. INDUSTRIAL AGREEMENTS.**

**23.** (1.) THE parties to industrial agreements may be (a) industrial unions (b) industrial associations or (c) employers. Any such agreement may provide for any matter or thing affecting any industrial matter, or in relation thereto, or for the prevention or settlement of an industrial dispute.

Parties to industrial agreements defined.  
1900 Act, s. 20.  
N.Z. Act, s. 24 (1).

(2.) Every industrial agreement shall be for a term to be specified therein, not exceeding three years from the date of the making thereof, and shall commence as follows: "This agreement, made in pursuance of 'The Industrial Conciliation and Arbitration Act, 1902,' this       day of       Between       , " and then the matters agreed upon shall be set out.

Term and form of agreement.  
1900 Act, s. 22.  
N.Z. Act, s. 24 (2).

(3.) The date of the making of the agreement shall be the date on which it is first executed by any party thereto; and such date, and the names of all the original parties thereto, shall be truly stated therein.

Date of agreement.  
1900 Act, s. 22.  
N.Z. Act, s. 24 (3).

(4.) Notwithstanding the expiry of the term of an industrial agreement, it shall, subject to any award of the Court, continue in force in respect of all parties thereto, except those who retire therefrom.

Agreement to continue in force for parties not retired.

(5.) At any time after the expiry of the term of an industrial agreement, any party thereto may retire therefrom by filing, in the office wherein such agreement is filed, a notice in the prescribed form signifying

Mode of retirement.

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signifying his intention to retire at the expiration of thirty days from the date of such filing and shall thereafter cease to be a party thereto.

Duplicate to be filed.  
1900 Act, s. 23.  
N.Z. Act, s. 25.

**24.** A DUPLICATE original of every industrial agreement shall, within thirty days after the making thereof, be filed in the office of the Clerk of the industrial district where the agreement is made. The Clerk shall make and certify a true copy of such agreement and transmit such copy to the Registrar.

Parties to agreement may be added.  
1900 Act, s. 24.  
N.Z. Act, s. 26.

**25.** WHILST the industrial agreement is in force any industrial union or industrial association or employer may become party thereto by filing in the office wherein such agreement is filed a notice in the prescribed form, signifying concurrence with such agreement.

On whom agreement binding.  
1900 Act, s. 24.  
N.Z. Act, s. 27.

**26.** (1.) EVERY industrial agreement duly filed shall be binding on the parties who execute the same or concur therein, and also on every member of any industrial union or industrial association which is party thereto.

Enforcement of agreements.  
1900 Act, s. 25 (1).  
N.Z. Act, s. 28 (2).

(2.) Industrial agreements shall be enforceable in manner provided by section ninety-three of this Act, and not otherwise.

Agreements may be varied, renewed, or cancelled.  
1900 Act, s. 21.  
N.Z. Act, s. 28 (1).

**27.** EVERY industrial agreement, made under this Act or the Act hereby repealed, may be varied, renewed, or cancelled by any subsequent industrial agreement made by and between all the parties thereto, but so that no party shall be deprived of the benefit thereof by any subsequent industrial agreement to which he is not a party.

## 4. CONCILIATION AND ARBITRATION.

*Districts and Clerks.*

Constitution of industrial districts.  
1900 Act, s. 26.  
N.Z. Act, s. 29.

**28.** (1.) THE Governor may by notice in the *Gazette*, constitute and divide Western Australia or any portion thereof into such industrial districts, with such names and boundaries as he thinks fit.

(2.) All industrial districts constituted under the Act hereby repealed, and existing at the time of such repeal, shall be deemed to be constituted under this Act.

(3.) The constitution or boundaries of any industrial district may be cancelled or altered by the Governor by notice as aforesaid.

Alteration of boundaries.  
N.Z. Act, s. 30.

**29.** IF an industrial district is constituted by reference to the limits or boundaries of any portion of the State defined or created for any other purpose, then, in case of the alteration of such limits or boundaries, the same shall take effect in respect of the district

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district constituted under this Act without any further proceeding, unless the Governor otherwise determines.

**30.** (1.) IN and for every industrial district the Governor shall appoint a Clerk of Awards (elsewhere in this Act referred to as "the Clerk"), who shall be paid such salary or other remuneration as the Governor thinks fit, and shall, subject to the regulations, be under the control and direction of the Board.

Clerk of Awards for each district.  
1900 Act, s. 27.  
N.Z. Act, s. 31.

(2.) Every Clerk appointed under the Act hereby repealed, and in office at the time of such repeal, shall be deemed to be appointed under this Act.

**31.** THE office of Clerk may be held either separately or in conjunction with any other office in the public service, and in the latter case the Clerk may, if the Governor thinks fit, be appointed not by name but by reference to such office; whereupon the person who for the time being holds such office, or performs its duties, shall by virtue thereof be the Clerk.

May hold office in conjunction with other office.  
1900 Act, s. 27.  
N.Z. Act, s. 32.

**32.** IT shall be the duty of the Clerk—

- (1.) To receive, register, and deal with all applications lodged within his district for reference of any industrial dispute to the Board or to the Court;
- (2.) To convene the Board for the purpose of dealing with any such dispute, and to attend all meetings of the Board and sittings of the Court within his district;
- (3.) To keep a register in which shall be entered the particulars of all references and settlements of industrial disputes made to and by the Board;
- (4.) To issue all summonses to witnesses to give evidence before the Board; and
- (5.) Generally to do all such things, perform all such acts, and take all such proceedings as are prescribed, or as the Court, the Board, or the Registrar directs.

Duties of Clerk.  
1900 Act, s. 28.  
N.Z. Act, s. 33.

*Boards of Conciliation.*

**33.** IN and for every industrial district there shall be established a Board of Conciliation, which shall have jurisdiction for the settlement of any industrial dispute which arises in such district and is referred to the Board under the provisions herein contained.

District Boards to be constituted.  
1900 Act, s. 31.  
N.Z. Act, s. 34.

**34.** (1.) THE Board of each industrial district shall consist of either three, five, or seven persons as the Governor determines, of whom—

Number of members of Board, and election.

- (a.) One (being the Chairman) shall be elected by the other members in manner hereinafter provided; and

(b.)

1900 Act, ss. 32. and 33 (1, 2).

N.Z. Act, s. 35 (1).

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1900 Act, s. 33 (1).  
N.Z. Act, s. 35 (2).

(b.) The other members shall be elected, in manner hereinafter provided, by the respective industrial unions of employers and of workers in the industrial district, such unions voting separately as separate divisions of employers and workers respectively and electing an equal number of such members:

N.Z. Act s. 35.  
(proviso).

(2.) An industrial union shall not be entitled to vote in an industrial district unless its registered office has been registered in such district for at least one month next preceding the date fixed for the election.

Term of office.  
1900 Act, ss. 36.  
and 37.  
N.Z. Act, s. 36.

**35.** THE term of office of the members of a Board shall be three years from the date of election, or until their successors are elected. Members shall be eligible for re-election.

Existing Boards not  
to continue in office.  
N.Z. Act, s. 37.

**36.** EVERY Board established under the Act hereby repealed, and existing at the time of such repeal shall, by notice in the *Gazette* referring to such Board, cease to exist within seven days after the date of such notice: Provided that the Governor may extend such period in the event of the non-completion of any proceedings on which the Board is engaged.

The members of the Board shall continue in office only until the appointment of their successors, but shall be eligible for re-appointment.

Provisions for  
ordinary elections.  
Schedule.  
1900 Act, s. 33 (4).  
N.Z. Act, s. 38.

**37.** (1.) WITH respect to the election of the members of a Board (other than the Chairman) the provisions in the Schedule hereto shall apply.

1900 Act, s. 33 (4, o).  
N.Z. Act, s. 38 (26,  
27).

(2.) If the Returning Officer or any person employed by him shall at any time (except in discharge of his duty or in obedience to the process of a Court of law) disclose for whom any vote has been tendered, or retain possession of or exhibit any voting paper used at the election, he shall be guilty of an offence against this Act and shall be liable to a penalty not exceeding Twenty pounds, to be recovered on the information and complaint of the Registrar or of any industrial union.

Declaration of office  
and secrecy.  
N.Z. Act, s. 53 (11).

(3.) Before entering upon the exercise of his office, every member of the Board, including the Chairman, shall make and file with the Registrar a statutory declaration that he will faithfully and impartially perform the duties of his office, and will not, except in the discharge of such duties, disclose any evidence or other matter brought before the Board.

Meeting for election  
of Chairman.

**38.** (1.) AS soon as practicable after the election of members of the Board, other than the Chairman, the Clerk shall appoint a time

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time and place for the elected members to meet for the purpose of electing a Chairman, and shall give to each such member at least three days' written notice of the time and place so appointed.

1900 Act, s. 33 (5).  
N.Z. Act, s. 39 (1).

(2.) At such meeting the members shall, by a majority of the votes of the members present, elect some impartial person, not being one of their number, to be Chairman.

1900 Act, s. 33 (5).  
N.Z. Act, s. 39 (2).

**39.** (1.) AS soon as practicable after the election of the Chairman the Clerk shall transmit to the Registrar a list of the names of the respective persons elected as members and as Chairman of the Board, and the Registrar shall cause notice thereof to be gazetted.

Notice of election of board to be gazetted.  
1900 Act, s. 35.  
N.Z. Act, s. 40.

(2.) Such notice shall be final and conclusive for all purposes, and the date of gazetting of such notice shall be deemed to be the date of the election of the Board.

**40.** A MEMBER of a Board may resign, by letter to the Clerk, who shall thereupon report the fact to the Chairman and the Registrar.

Resignation of member.  
1900 Act, s. 38.  
N.Z. Act, s. 41.

**41.** IF any member of the Board—

- (1.) Dies; or
- (2.) Resigns; or
- (3.) Becomes disqualified from acting under section ninety-five hereof; or
- (4.) Is proved to be guilty of inciting any industrial union or any worker or employer to commit any breach of an industrial agreement or award; or
- (5.) Is absent from three consecutive sittings of the Board,

Casual vacancies.  
1900 Act, s. 38.  
N.Z. Act, s. 42.

his office shall thereby become vacant, and the vacancy shall be deemed to be a casual vacancy.

**42.** (1.) EVERY casual vacancy shall be filled by the same electing authority, and, as far as practicable, in the same manner and subject to the same provisions as in the case of the vacating member.

How casual vacancy to be filled.  
1900 Act, ss. 38 and 39.  
N.Z. Act, s. 43.

(2.) Upon the happening of any casual vacancy the clerk shall take such proceedings as may be necessary to fill the vacancy by a fresh election:

(3.) The person elected to fill a casual vacancy shall hold office only for the residue of the term of the vacating member.

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No member of a Board to be nominated for another Board.  
1900 Act, s. 33 (4, d and e).  
N.Z. Act, s. 44.

Governor may appoint on failure to elect Chairman or member.  
1900 Act, ss. 33 (5), 34, 41, and 44.  
N.Z. Act, s. 45

**43.** IF a member of a Board is nominated for election as a member of another Board, such nomination shall be void.

**44.** WHERE the Registrar is satisfied that the proper electing authority has failed to elect a Chairman or member of the Board, the Governor may by notice in the *Gazette* appoint a fit person to be such Chairman or other member, and every Chairman or member so appointed shall be deemed to be elected, and shall hold office for the unexpired residue of the ordinary term of office. The notice of such appointment in the *Gazette* shall be conclusive evidence of the happening of the events entitling the Governor to make the appointment.

Quorum of Board.  
1900 Act, s. 40 (1).  
N.Z. Act, s. 46.

**45.** (1.) THE presence of the Chairman and of not less than one-half in number of the other members, including one of each side, shall constitute a quorum at every meeting of the Board subsequent to the election of the Chairman:

Provided that, upon it being shown to the satisfaction of the Chairman that any member wilfully absents himself from the sitting or sittings of the Board, the quorum of the Board shall then consist of the Chairman and one half in number of the remaining members of the Board.

Absence of Chairman.  
1900 Act, s. 40 (2).  
N.Z. Act, s. 46 (proviso).

(2.) In the case of the illness or absence of the Chairman, the other members may elect some impartial and qualified person to be Chairman during such illness or absence, or the Governor may, by notice in the *Gazette*, appoint some impartial and qualified person to act as Chairman during such illness or absence.

Mode of voting.  
1900 Act, s. 40 (3).  
N.Z. Act, s. 47.

**46.** IN all matters the decision of the Board shall be determined by a majority of the votes of the members present, exclusive of the Chairman, except in the case of an equality of votes, in which case the Chairman shall have a casting vote.

Acts of Board not to be questioned for informality.  
1900 Act, s. 42 (1).  
N.Z. Act, s. 48.  
Cp. s. 104 of this Act.

**47.** THE Board may act notwithstanding any vacancy in its body, and in no case shall any act of the Board be questioned on the ground of any informality in the election of a member, or on the ground that the seat of any member is vacant, or that any supposed member is incapable of being a member.

Term of office of Board may be extended if engaged in hearing dispute.  
1900 Act, s. 42 (2).  
N.Z. Act, s. 49.

**48.** (1.) IF the term of office of a Board expires, or is likely to expire, whilst the Board is dealing with any industrial dispute, the Governor may, by notice in the *Gazette*, extend such term for a time not exceeding three months, to enable the Board to dispose of such dispute. Any member of a Board whose term is extended shall be eligible for nomination and election to the new Board.

(2.)

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(2.) Notwithstanding such extension, the new Board shall be elected in and at the proper way and time, and shall have full power and authority except in reference to the disposal of the industrial dispute aforesaid.

*Special Boards of Conciliators.*

49. IN any part of the State, whether included in an industrial district or not, a special Board of Conciliators may be constituted, and the members thereof, together with all necessary officers, appointed by the Governor, by notice in the *Gazette*, to meet any case of emergency or any special case of industrial dispute.

Special Boards may be created in certain cases.

1900 Act, s. 43 (1).  
N.Z. Act, s. 50.

50. ALL the provisions of this Act relating to a Board of Conciliation, its constitution, jurisdiction, and powers, shall, *mutatis mutandis*, apply to a special Board of Conciliators, subject nevertheless to such modifications as are prescribed, and also to the modifications following, that is to say:—

All other provisions applied subject to certain modifications.

1900 Act, s. 43 (2).  
N.Z. Act, s. 51.

- (1.) Members of the special Board may be members of an existing Board.
- (2.) The members of the special Board shall vacate their office on the settlement of the dispute or the filing of their report.

*Functions and Procedure of Conciliation Boards.*

51. ANY industrial dispute may be referred for settlement to a Board by application in that behalf made by any party thereto, and with respect to such application and reference the following provisions shall apply:—

Procedure for reference of industrial disputes to Board.

1900 Act, s. 45.  
N.Z. Act, s. 52.

- (1.) The application shall be in the prescribed form, accompanied by the certificate mentioned in section ninety-seven, and shall be filed in the office of the Clerk for the industrial district wherein the dispute arose.
- (2.) The parties to such dispute shall be (a) industrial unions or associations of workers, or (b) industrial unions or associations of employers, or (c) employers:

1900 Act, s. 45 (2).  
N.Z. Act, s. 52 (3).  
Cp. s. 71 of this Act.

But the mention of the various kinds of parties shall not be deemed to interfere with any arrangement thereof that may be necessary to insure the industrial dispute being brought in a complete shape before the Board; and a party may be withdrawn, or removed, or joined at any time before the final report or recommendation of the Board is made, and the Board may make any recommendation or give any direction for any such purpose accordingly.

(3.)



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- 1900 Act, s. 45 (6)  
and 46 (2).  
N.Z. Act, s. 52 (4).
- (3.) As soon as practicable after the filing of the application, the Clerk shall lay the same before the Board at a meeting thereof to be convened in the prescribed manner.
- 1900 Act, s. 45 (3).  
N.Z. Act, s. 52 (5).
- (4.) An employer, being a party to the reference, may appear in person, or by his agent duly appointed in writing for that purpose.
- 1900 Act, s. 45 (4).  
N.Z. Act, s. 52 (6).
- (5.) An industrial union or industrial association, being a party to the reference, may appear by its chairman or secretary, or by any person appointed in writing by the chairman, or in such other manner as the rules prescribe.
- 1900 Act, s. 45 (5).  
N.Z. Act, s. 52 (7).
- (6.) Except as hereinafter provided, every party appearing by a representative shall be bound by the acts of such representative.
- 1900 Act, s. 45 (7).  
N.Z. Act, s. 52 (8).
- (7.) No counsel or solicitor shall be allowed to appear or be heard before a Board, or any committee thereof, unless all the parties to the reference expressly consent thereto.

**52.** WHERE an industrial dispute is referred to a Board for settlement the following provisions shall apply:—

- Powers and duties  
of Board for hearing  
dispute.  
1900 Act, s. 47.  
N.Z. Act, s. 53.
- (1.) The Board shall carefully and expeditiously inquire into the dispute, and all matters affecting the merits thereof and the right settlement thereof.
- Cp. s. 78 of this Act.  
1900 Act, s. 47.  
N.Z. Act, s. 53 (2).
- (2.) The Board shall have all the powers of summoning witnesses, administering oaths, hearing and receiving evidence, and preserving order at any sitting, which are conferred on the Court, save and except the production of books.
- 1900 Act, s. 49.  
N.Z. Act, s. 53 (3).
- (3.) In the course of such inquiry the Board may make all such suggestions and do all such things as it deems proper for inducing the parties to come to an amicable settlement, and may adjourn the proceedings for any period, to allow the parties to agree upon some terms of settlement.
- 1900 Act, s. 50 (1).  
N.Z. Act, s. 53 (4).
- (4.) The Board may, upon such terms as it thinks fit, refer the dispute to a committee of its members, consisting of an equal number of the representatives of employers and workers, who shall endeavour to reconcile the parties.
- 1900 Act, s. 49.  
N.Z. Act, s. 53 (5).
- (5.) If a settlement of the dispute is arrived at by the parties, it shall be set forth in an industrial agreement, which shall be duly executed by all the parties or their attorneys, and a duplicate original thereof shall be filed in the office of the Clerk within such time as is named by the Board in that behalf.

(6.)

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- (6.) If an industrial agreement is executed and filed as aforesaid, the Board shall report to the Clerk that the dispute has been settled by industrial agreement. 1900 Act, s. 49.  
N.Z. Act, s. 53 (6).
- (7.) If no such industrial agreement is executed and filed as aforesaid, the Board shall make such recommendation for the settlement of the dispute, according to the merits and substantial justice of the case, as the Board thinks fit. 1900 Act, s. 49.  
N.Z. Act, s. 53 (7).
- (8.) The Board's recommendation shall deal with each item of the dispute, and shall state in plain terms, avoiding as far as possible all technicalities, what, in the Board's opinion, should or should not be done by the respective parties concerned. N.Z. Act, s. 53 (8).
- (9.) The Board's recommendation shall also state the period during which the proposed settlement should continue in force, being in no case less than six months nor more than three years, and also the date from which it should commence, being not sooner than one month nor later than three months after the date of the recommendation. N.Z. Act, s. 53 (9).
- (10.) The Board's report or recommendation shall be in writing under the hand of the Chairman, and shall be delivered by him to the Clerk within two months after the day on which the application for the reference was filed, or within such extended period, not exceeding one additional month, as the Board thinks fit. 1900 Act, s. 49.  
N.Z. Act, s. 53 (10).
- (11.) If, in the opinion of the Board, the industrial dispute is frivolous, and ought not to have been referred, the Board shall order that the party or parties making such reference shall pay the costs and expenses thereof. Such order shall—
- (a.) Fix the amount of such costs and expenses, and specify by and to whom the same are payable; and shall
  - (b.) Be forwarded to and recorded by the Clerk of the Court, and be deemed for every purpose an order of the Court, and be enforceable accordingly, as provided by section ninety-two.

**53.** UPON receipt of the Board's report or recommendation, the Clerk shall file the same, and send a copy thereof to each party, and shall supply certified copies for a prescribed fee.

Report or recommendation of Board to be filed.

1900 Act, s. 49.

N.Z. Act, s. 54.

**54.** BEFORE the dispute is referred to the Court, and within one month after the filing of the Board's recommendation, all or any of

Procedure if parties accept Board's recommendation.

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N.Z. Act, s. 55.  
Cp. s. 56 of this Act.

of the parties to the reference may accept the Board's recommendation as a whole or with modifications. In such case the parties or those who agree thereto shall execute and file in the office of the clerk a memorandum of settlement.

Memorandum of  
settlement.  
N.Z. Act, s. 58.

**55.** (1.) A MEMORANDUM of settlement shall be in the prescribed form, and shall be executed by all or any of the parties or their attorneys, and shall state whether the Board's recommendation is accepted as a whole or with modifications, and in the latter case the modifications shall be clearly and specifically set forth therein.

(2.) Upon the memorandum of settlement being duly executed and filed, the Board's recommendation shall, with the modifications (if any) set forth in such memorandum, operate and be enforceable in the same manner in all respects as an industrial agreement duly executed and filed by the parties.

Reference to Court  
if dispute not  
settled by Board.  
1900 Act, s. 51.  
N.Z. Act, s. 58.

**56.** (1.) SUBJECT to the provisions of section fifty-four, all the parties to the reference, or a majority of the parties whose interests are with the employers, or a majority of the parties whose interests are with the workers, may, within one month from the date on which the Board's recommendation is filed, in the prescribed manner, refer such dispute to the Court.

(2.) If no such reference has been made, the Board's recommendation shall, on and from the filing thereof, operate and be enforceable in the same manner in all respects as an industrial agreement duly executed and filed by the parties.

(3.) Should any question arise as to whether all, or a majority of such parties on one side or the other have agreed to such reference, the question shall be settled by the President upon summons under section one hundred.

Reference to Court  
by Board.  
1900 Act, s. 50 (2).  
Cp. s. 69 of this Act.

**57.** THE Board may at any time before its recommendation is filed, refer the dispute to the Court for settlement.

*The Court of Arbitration.*

Court of Arbitration.  
1900 Act, s. 53.  
N.Z. Act, s. 59.  
Seal.  
1900 Act s. 53.  
N.Z. Act, s. 60.

**58.** THERE shall be one Court of Arbitration for the whole State for the settlement of industrial disputes pursuant to this Act.

The Court shall be a Court of Record, and have a Seal, which shall be judicially noticed in all Courts of Justice, and for all purposes.

Constitution and  
appointment of  
Court.  
1900 Act, s. 54 (1).  
N.Z. Act, ss. 61, 62.

**59.** (1.) THE Court shall consist of three members appointed by the Governor. One member shall be appointed on the recommendation of the industrial unions of employers, and one on the recommendation

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recommendation of the industrial unions of workers, as provided by the next following section, and the third member shall be a Judge of the Supreme Court, nominated as hereinafter provided by the Governor to act in that behalf. Such Judge shall be President of the Court.

(2.) In case of the illness or absence of the President at any time, the Governor shall nominate a Judge of the Supreme Court to act as President during such illness or absence. And in case of the absence of a member of the Court other than the President, by reason of illness or other cause, the Governor may appoint such other person as he may think fit to fill his place during such absence and until the termination of any pending inquiry.

**60.** (1.) EACH industrial union may, within one month after being requested so to do by the Registrar, recommend to the Governor in the prescribed manner, the name of one person, and from such names the Governor shall select two members, one from the persons recommended by the industrial unions of employers, and one from the persons recommended by the industrial unions of workers.

(2.) If either division of industrial unions fails or neglects to make a recommendation within the aforesaid period, the Governor may thereafter appoint a person to be a member of the Court; and such member shall be deemed to be appointed on the recommendation of the said division of industrial unions.

(3.) Forthwith after a full Court has been appointed the names of the members shall be notified in the *Gazette*, and such notification shall be final and conclusive for all purposes.

**61.** EVERY member of the Court (other than the President) shall hold office for three years from the date of the gazetting of his appointment, or until the appointment of his successor. Every member of the Court shall be eligible for re-appointment.

**62.** THE Court constituted under the Act hereby repealed, and existing at the time of such repeal shall, by notice in the *Gazette*, cease to exist within seven days after the date of such notice: Provided that the Governor may extend such period in the event of the non-completion of any proceedings on which the Court is engaged.

The members of the said Court shall continue in office only until the appointment of their successors, but shall be eligible for re-appointment.

**63.** IF any member of the Court resigns by letter to the Governor, or, in the case of a Judge of the Supreme Court being President,

Judge to be President.

1900 Act, s. 54 (1.)

N.Z. Act, s. 62.

1900 Act, s. 54 (1.)

N.Z. Act, s. 62 (3).

Procedure for appointment of members.

1900 Act, s. 54 (2).

N.Z. Act, s. 63.

1900 Act, s. 54 (2).

N.Z. Act, s. 63 (3).

1900 Act, s. 54 (2, c).

N.Z. Act, s. 63 (4).

Term of office.

1900 Act, s. 55 (1).

N.Z. Act, s. 64.

Existing Court not to continue in office

N.Z. Act, s. 65.

Resignations.

1900 Act, s. 55 (1).

N.Z. Act, s. 66.

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President, if he ceases to be a Judge of the Supreme Court, his office shall become vacant, and the vacancy shall be deemed to be a casual vacancy.

Power of removal  
by Governor.

**64.** THE Governor shall remove any member of the Court from office who—

N.Z. Act, s. 67.

(a.) Becomes disqualified from acting under section ninety-five hereof; or

(b.) Is proved to be guilty of inciting any industrial union or any worker or employer to commit any breach of an industrial agreement or award; or

(c.) Is absent from three consecutive sittings of the Court;

1900 Act, s. 55 (2).

And every vacancy thereby caused shall be deemed to be a casual vacancy.

Mode of filling  
casual vacancy.

1900 Act, s. 55 (1).

N.Z. Act, s. 68.

**65.** EVERY casual vacancy in the Court shall be filled in the same manner as in the case of the original appointment; but every person other than the President appointed to fill a casual vacancy shall hold office only for the residue of the term of his predecessor.

Oath of office and  
secrecy.

1900 Act, s. 56.

N.Z. Act, s. 69

**66.** BEFORE entering upon their office, the members of the Court (other than the President) shall make oath before the President that they will faithfully and impartially perform the duties of their office, and that, they will not, except in the discharge of their duties, disclose to any person any evidence or other matter brought before the Court.

Clerk and officers  
of Court may be  
appointed.

1900 Act, s. 57.

N.Z. Act, s. 70.

**67.** (1.) THE Governor may appoint such Clerk and other officers of the Court as he thinks necessary. Such Clerk and officers shall hold office during pleasure, and receive such salary or other remuneration as the Governor thinks fit.

(2.) The duties of the Clerk of the Court, and of all other officers thereof shall be as prescribed and also as directed by the Court or President.

*Jurisdiction and Procedure of the Court.*

Jurisdiction.

1900 Act, s. 58.

N.Z. Act, s. 71.

**68.** THE Court shall have jurisdiction for the settlement and determination of any industrial dispute referred to it under this Act.

Dispute may be  
referred direct to  
Court.

**69.** (1.) BEFORE a dispute is referred to a Board, the parties to the dispute, or a majority of the parties whose interests are with the

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the employers, or a majority of the parties whose interests are with the workers, may, in the prescribed manner, refer the dispute to the Court direct.

1900 Act, s. 52, cp. s. 57 of this Act.

(2.) Should any question arise as to whether all, or a majority of such parties on one side or the other have agreed to such reference, the question shall be settled by the President upon summons under section one hundred.

**70.** FORTHWITH after a dispute has been referred to the Court, the Clerk of the Court shall notify the fact to the President.

President to be notified when dispute referred.

N.Z. Act, s. 72.

**71.** SUBJECT to provisions hereinafter contained, the parties to the proceedings before the Court shall be the same as in the proceedings (if any) before the Board, and the provisions herein contained as to the appearance of parties before a Board shall apply to proceedings before the Court.

Parties to proceedings before Court.

1900 Act, s. 62.

N.Z. Act, s. 73.

Cp. s. 51 of this Act.

**72.** (1.) THE sittings of the Court shall be held at such time and place as may be from time to time fixed by the President, and sittings may be fixed either for a particular case or generally for all cases then before the Court and ripe for hearing, and it shall be the duty of the Clerk of the Court to give to each member of the Court, and also to all parties concerned, at least seven clear days' previous notice of the time and place of each sitting other than an adjourned sitting.

Sittings of Court.

N.Z. Act, s. 74 (1; 2).

1900 Act, s. 61 (1).

1900 Act, ss. 61 (2) and 62 (third par.).

(2.) The Court may be adjourned from time to time and from place to place —

1900 Act, s. 61 (3)

N.Z. Act, s. 74 (3).

(a.) By the President at any sitting thereof, or, if the President is absent from such sitting, then by any other member present; or

(b.) If no member is present at the time fixed for the sitting by the Clerk of the Court; or

(c.) At any time before the time fixed for the sitting by the President.

**73.** ANY party to the proceedings before the Court may appear personally or by agent, or, with the consent of all the parties, by counsel or solicitor, and may produce before the Court such witnesses, books, and documents as the Court allows.

Appearance of parties.

1900 Act, s. 60.

N.Z. Act, s. 75.

**74.** THE Court shall, in all matters before it, have full and exclusive jurisdiction to determine the same in such manner in all respects as in equity and good conscience it thinks fit.

Powers of Court.

1900 Act, s. 60.

N.Z. Act, s. 76.

75.

*Industrial Conciliation and Arbitration.***Evidence.**

1900 Act, s. 60.

N.Z. Act, s. 77.

**75.** WITH respect to evidence in proceedings before the Court the following provisions shall apply:—

1900 Act, s. 63.

N.Z. Act, s. 77 (213).

1900 Act, ss. 63 and 64.

N.Z. Act, s. 77 (4).

1900 Act, s. 65.

N.Z. Act, s. 77 (5).

1900 Act, s. 63.

N.Z. Act, s. 77 (6).

Provision for obtaining evidence at a distance.

1900 Act, s. 69.

N.Z. Act, s. 77 (7).

1900 Act, s. 66.

N.Z. Act, s. 77 (8).

(1.) Formal matters which have been proved or admitted before the Board shall be deemed to be proved before the Court.

(2.) On the application of any party, the Clerk of the Court shall issue a summons in the prescribed form to any person to appear and give evidence before the Court, such summons may require such person to produce before the Court any books, papers, or other documents in his possession, or under his control, in any way relating to the proceedings.

(3.) All books, papers, and other documents produced before the Court, may be inspected by the Court, and also by such of the parties as the Court allows; but the information obtained therefrom shall not be made public, and such parts of the documents as, in the opinion of the Court, do not relate to the matter at issue may be sealed up.

(4.) Every person who is summoned and duly attends as a witness shall be entitled to receive from the party at whose instance he was summoned an allowance for expenses according to the scale for the time being in force in Local Courts.

(5.) Any person duly served with such summons, and to whom at the same time payment or tender has been made of his reasonable expenses according to the aforesaid scale, who fails to attend or to duly produce any book, paper, or document as required shall be guilty of an offence and be liable to a penalty not exceeding Twenty pounds, or to imprisonment for any term not exceeding one month.

(6.) Whenever the Court deems it necessary to examine a witness who is out of or is going out of the State, or who resides at a distance or is from any cause likely to be unable to attend the Court, the Court or the President, whilst the Court is not sitting, shall have the powers of the Supreme Court in that behalf, and may adopt, *mutatis mutandis*, the procedure followed and the forms used by the Supreme Court for the like purpose respectively, or may adopt such other forms and procedure as may be prescribed.

(7.) The Court may take evidence on oath, and for that purpose any member or the Clerk of the Court may administer an oath.

(8.)

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- (8.) The Court may accept such evidence, whether strictly legal or not, as in equity and good conscience it thinks fit. 1900 Act, s. 80.  
N.Z. Act, s. 77 (10).
- (9.) Any party to the proceedings shall be competent and may be compelled to give evidence as a witness. N.Z. Act, s. 77 (11).
- (10.) The Court, may order that all or any part of its proceedings be taken down in shorthand. N.Z. Act, s. 77 (12).
- 76.** THE presence of the President and at least one other member shall be necessary to constitute a sitting of the Court. Quorum.  
1900 Act, s. 70.  
N.Z. Act, s. 78.
- 77.** THE decision of a majority of the members present at the sitting, or, if the members present are equally divided in opinion, then the decision of the President, shall be the decision of the Court. Decision to be of majority of Court.  
1900 Act, s. 70.  
N.Z. Act, s. 79.
- 78.** THE decision of the Court shall in every case be signed by the President, and may be delivered by him, or by any other member of the Court, or by the Registrar. President to deliver decision.  
1900 Act, s. 76.  
N.Z. Act, s. 80.
- 79.** THE Court may refer any matters before it, or any question arising in any such matter, to a Board, or to some person, for investigation and report; and in such case the award of the Court may be based on the report of the Board or of such person. Matters may be referred to a Board for investigation.  
1900 Act, s. 74.  
N.Z. Act, s. 81.
- 80.** THE Court shall dismiss any matter referred to it which it thinks frivolous or trivial, and in such case the award may order the the party bringing the matter before the Court to pay the costs of bringing the same. Court may dismiss frivolous cases.  
1900 Act, s. 75.  
N.Z. Act, s. 82.
- 81.** THE Court, may order any party to pay to any other party such costs and expenses (including expenses of witnesses) as it deems reasonable, and may apportion such costs between the parties or any of them, and may at any time vary or alter any such order, provided that in no case shall costs be allowed on account of agents, solicitors, or counsel. Court may award costs and apportion same.  
1900 Act, s. 77.  
N.Z. Act, s. 83.
- 82.** THE award of the Court shall be made within one month after the Court began to sit for the hearing of the reference, or within such extended time as in special circumstances the Court thinks fit. When award to be made.  
1900 Act, s. 76.  
N.Z. Act, s. 84.
- 83.** (1.) THE award shall have the seal of the Court attached thereto, and shall be deposited in the office of the Clerk of the industrial district wherein the reference arose, and be open to inspection without charge during office hours by all persons interested therein. Award to be signed, sealed, and deposited in office.  
1900 Act, s. 76.  
N.Z. Act, s. 85.

(2.)



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(2.) The Clerk shall, upon application, supply certified copies of the award for a prescribed fee.

Terms of award.  
1900 Act, ss. 78 and  
87.  
N.Z. Act, s. 86 (1).

**84.** (1.) THE award shall be framed in such manner as shall best express the decision of the Court, avoiding all technicality where possible, and shall specify—

- (a.) Each party on whom the award is binding, being in every case each industrial union, industrial association, or employer who is party to the proceedings at the time when the award is made;
- (b.) The industry to which the award applies;
- (c.) The industrial district to which the award relates, being in every case the industrial district in regard to which the proceedings were commenced;
- (d.) The currency of the award, being any specified period not exceeding three years from the date of the award:

1900 Act, s. 78.  
N.Z. Act, s. 86 (2).

(2.) The award shall also state in clear terms what is or is not to be done by each party on whom the award is binding, or by the workers affected by the award, and may provide for an alternative course to be taken by any party: In no case shall the Court have power to fix any age for the commencement or termination of apprenticeship.

1900 Act, s. 84.  
N.Z. Act, s. 86 (2).

1900 Act, s. 87  
(proviso).  
N.Z. Act, s. 86 (3).

(3.) The award shall, by force of this Act, extend to and bind as subsequent party thereto every industrial union, industrial association, or employer who, not being original party thereto, is at any time, whilst the award is in force, connected with or engaged in the industry to which the award applies within the industrial district to which the award relates.

N.Z. Act, s. 87 (3).

(4.) The award shall, by force of this Act, also extend to and bind every worker who, not being a member of any industrial union on which the award is binding, is at any time, whilst it is in force, employed by any employer on whom the award is binding; and if any such worker commits any breach of the award he shall be liable to a penalty not exceeding Ten pounds, to be recovered in like manner as if he were a party to the award.

(5.) The Court may, in any award made by it, limit the operation of such award to any municipality or area being within or part of any industrial district.

(6.) The Court shall in such case have power, on the application of any employer, industrial union, or industrial association in any industrial district within which the award shall have effect, to extend the provisions of such award (if such award shall have been limited in its operation as aforesaid) to any person, employer, industrial

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industrial union, or industrial association within such industrial district.

**85.** WITH respect to every award, whether made before or after the commencement of this Act, the Court by order at any time during the currency of the award shall have power to amend the provisions of the award for the purpose of remedying any defect therein or of giving fuller effect thereto.

Special powers to extend, or join parties to an award. 1900 Act, s. 79. N.Z. Act, s. 87.

**86.** THE powers by the last preceding section conferred upon the Court may be exercised on the application of any party bound by the award.

Application may be made to Court by any party. N.Z. Act, s. 88.

**87.** PROCEEDINGS in the Court shall not be impeached or held bad for want of form, nor shall the same be removable to any Court by *certiorari* or otherwise; and no award, order, or proceeding of the Court, and no regulation of the Governor under section one hundred and twelve, shall be liable to be challenged, appealed against, reviewed, quashed, or called in question by any Court of judicature on any account whatsoever.

Proceedings not to be impeached for want of form. 1900 Act, s. 82. N.Z. Act, s. 90.

**88.** THE Court in its award, or by order made on the application of any of the parties at any time whilst the award is in force, may fix and determine what shall constitute a breach of the award, and what sum, not exceeding Five hundred pounds, shall be the maximum penalty payable by any party in respect of any breach.

Court to fix what constitutes breach of award and penalty therefor. 1900 Act, s. 83. N.Z. Act, s. 91.

**89.** THE Court in its award, or by order made on the application of any of the parties at any time whilst the award is in force, may prescribe a minimum rate of wages or other remuneration, with special provision for a lower rate being fixed in the case of any worker who is unable to earn the prescribed minimum:

Court may prescribe minimum rate of wages. 1900 Act, s. 85. N.Z. Act, s. 92.

Provided that such lower rate shall in every case be fixed by such tribunal, in such manner, and subject to such provisions as are specified in that behalf in the award or order.

**90.** IN every case where the Court, in its award or order, directs the payment of costs or expenses it shall fix the amount thereof, and specify the parties or persons by and to whom the same shall be paid.

Amount of costs or expenses to be fixed. 1900 Act, s. 77 (second par.) N.Z. Act, s. 93.

**91.** IN all legal and other proceedings, it shall be sufficient to produce the award with the seal of the Court thereto, or a copy thereof certified as true by the Clerk of the Court or the Clerk, and it shall not be necessary to prove any conditions precedent entitling the Court to make the award.

Award under seal to be evidence. 1900 Act, s. 81. N.Z. Act, s. 89.

*Industrial Conciliation and Arbitration.***Provisions for enforcing awards.**

1900 Act, s. 88.

N.Z. Act, s. 94.

1900 Act, s. 88 (1).

N.Z. Act, s. 94 (1).

1900 Act, s. 88 (2).

N.Z. Act, s. 94 (2).

1900 Act, s. 88 (3).

N.Z. Act, s. 94 (3).

1900 Act, s. 88 (4).

N.Z. Act, s. 94 (4).

1900 Act, s. 88 (5).

N.Z. Act, s. 94 (5).

1900 Act, s. 88 (6).

N.Z. Act, s. 94 (6).

**92.** FOR the purpose of enforcing any award or order of the Court (not being an order under section ninety-four hereof), whether made before or after the commencement of this Act, the following provisions shall apply:—

- (1.) In so far as the award itself imposes a penalty or costs, it shall be deemed to be an order of the Court, and payment shall be enforceable accordingly under the subsequent provisions of this section relating to orders of the Court.
- (2.) If any party on whom the award is binding commits any breach thereof by act or default, then, subject to the provisions of the last preceding subsection hereof, the Registrar or any party to the award may, by application in the prescribed form, apply to the Court for the enforcement of the award.
- (3.) On the hearing of such application the Court may by order either dismiss the application or impose such penalty for the breach of the award as it deems just, and in either case with or without costs: Provided that in no case shall costs be given against the Registrar.
- (4.) If the order imposes a penalty or costs, it shall specify the parties liable to pay the same, and the parties or persons to whom the same shall be payable:
- (5.) For the purpose of enforcing payment of the penalty and costs payable under any order of the Court, a certificate in the prescribed form, under the hand of the Clerk of the Court and the seal of the Court, specifying the amount payable and the respective parties or persons by and to whom the same is payable, may be filed in any Court having civil jurisdiction, to the extent of such amount, and shall thereupon, according to its tenor, be enforceable in all respects as a final judgment of such Court in its civil jurisdiction:

Provided that, for the purpose of enforcing satisfaction of such judgment where there are two or more judgment creditors thereunder, process may be issued separately by each judgment creditor against the property of his judgment debtor in like manner as in the case of a separate and distinct judgment.

- (6.) All property belonging to the judgment debtor (including therein, in the case of an industrial union or industrial association, all property held by trustees for the judgment debtor) shall be available in or towards satisfaction of the judgment debt, and if the judgment debtor is an industrial union or an industrial association, and its property

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property is insufficient to fully satisfy the judgment debt, its members shall be liable for the deficiency:

Provided that no member shall be liable for more than Ten pounds under this subsection.

- (7.) For the purpose of giving full effect to the last preceding subsection hereof, the Court or the President thereof may, on the application of the judgment creditor, make such order or give such directions as are deemed necessary, and the trustees, the judgment debtor, and all other persons concerned shall obey the same.

1900 Act, s. 88 (7).  
N.Z. Act, s. 94 (7).

**93.** FOR the purpose of enforcing industrial agreements, whether made before or after the commencement of this Act, the provisions of subsections two to seven of the last preceding section hereof shall, *mutatis mutandis*, apply in like manner in all respects as if an industrial agreement were an award of the Court, and the Court shall accordingly have full jurisdiction to deal therewith.

Provisions for enforcing industrial agreements.

1900 Act, s. 25.  
N.Z. Act, s. 95.

Cp., s. 26 (2) of this Act.

**94.** THE Court shall have full and exclusive jurisdiction to deal with all offences under either subsection five of section seventy-five, section one hundred and one, section one hundred and two, or section one hundred and six hereof, and for that purpose the following provisions shall apply:—

Jurisdiction of Court to deal with offences.

1900 Act, s. 89.  
N.Z. Act, s. 96.

- (1.) Proceedings to recover the penalty by this Act imposed in respect of any such offence shall be taken in the Court in a summary way under the provisions of the Act 14 *Victoriæ* No. 5, and those provisions shall, *mutatis mutandis*, apply in like manner as if the Court were a Court of summary jurisdiction under that Act:

1900 Act, s. 89 (1).  
N.Z. Act, s. 96 (1).

Provided that in the case of an offence of contempt of Court, the Court may deal with such offence forthwith without the necessity of an information being taken or a summons issued.

- (2.) For the purpose of enforcing any order of the Court made under this section (except so far as enforced by the Court itself, in cases of contempt of Court) a duplicate of such order shall be filed by the Clerk of the Court in the office of the nearest Police or Resident Magistrate, and shall thereupon, according to its tenor, operate and be enforced in all respects as a final decision, conviction, or order duly made by such Magistrate under the said Act, the 14 *Victoriæ*, No. 5.

1900 Act, s. 89 (2).  
N.Z. Act, s. 96 (2).

- (3.) The provisions of sections eighty-seven and ninety-one hereof shall, *mutatis mutandis*, apply to all proceedings and orders of the Court under this section.

N.Z. Act, s. 96 (3).

*General*

*Industrial Conciliation and Arbitration.**General Provisions as to Board and Court.*

Disqualification of  
members of Board  
or Court.

1900 Act, s. 29.

N.Z. Act, s. 97.

**95.** THE following persons shall be disqualified from being appointed or elected, or from holding office as chairman or as member of any Board, or a member of the Court; and if so elected or appointed shall be incapable of continuing to be such member or chairman:—

- (1.) An undischarged bankrupt, or a debtor who has assigned his estate or against whose estate there is a subsisting receiving order in bankruptcy; or
- (2.) Any person who has been in any part of His Majesty's dominions convicted of any crime for which the punishment is imprisonment with hard labour for a term of two years or upwards; or
- (3.) Any person of unsound mind; or
- (4.) An alien.

References to Board  
or Court to be  
approved by resolu-  
tion of union.

1900 Act, s. 45 (1.),  
par. 3.

N.Z. Act, s. 98.

**96.** AN industrial dispute shall not be referred to a Board or to the Court by an industrial union or association, nor shall any application be made to the Court by any such union or association for the enforcement of any industrial agreement or award of the Court, unless and until the proposed reference or application has been approved by the members in manner following, that is to say,—

- (1.) In the case of an industrial union, by resolution passed at a special meeting of such union and confirmed by a majority of the votes recorded at a subsequent ballot of the members, held in the prescribed time and manner. The result of such ballot shall be recorded on the minutes;
- (2.) In the case of an industrial association, by resolution passed at a special meeting of the members of the governing body of such association, and confirmed at special meetings of a majority of the industrial unions represented on such association.
- (3.) In the case of an industrial union of workers represented on an industrial association, no such reference or application shall be made without the written consent of the governing body of such association.
- (4.) In the case of an industrial union of workers not so represented, and consisting of less than one hundred and fifty members, no such reference shall be made without the written consent of the registered Trades and Labour Council within the district in which the dispute arises or the industrial agreement was made, as the case may be.

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**97.** (1.) EACH such special meeting shall be convened and held in manner provided by the rules, and notice of the proposed resolution shall be served on or posted to all the members three days at least before the holding of the meeting. The resolution shall not be deemed to be passed unless a majority of all the members (other than honorary members) of the industrial union or of the governing body of the industrial association vote in favour of it.

Special meeting for such purpose.

1900 Act, s. 45.

N.Z. Act, s. 96 (1).

(2.) A certificate under the hand of the chairman of any such special meeting shall, until the contrary is shown, be sufficient evidence as to the due constitution and holding of the meeting, the nature of the proposal submitted, and the result of the voting.

Certificate of chairman to be evidence.

N.Z. Act, s. 99 (2).

(3.) A certificate in the prescribed form, and in accordance with the last preceding subsection, together with the consent mentioned in section ninety-six shall be forwarded to the clerk with every application for a reference to the Board or Court for the settlement of an industrial dispute.

Certificate to accompany reference.

**98.** ANY person who—

(1.) Takes part in, or does or is concerned in doing any matter or thing in the nature of a lock-out or strike; or

Prohibition of strikes or lock-outs.

(2.) Before a reasonable time has elapsed for a reference to the Board or Court of the matter in dispute, or during the pendency of any proceedings before the board or Court in relation to an industrial dispute, suspends or discontinues employment or work in any industry; or

(3.) Instigates to or aids in any of the above-mentioned acts, shall be guilty of an offence, and, upon summary conviction, on the information or complaint of the Registrar, or of any industrial union, be liable to a penalty not exceeding Fifty pounds: Provided that nothing in this section shall prohibit the suspension or discontinuance of any industry, or the working of any persons therein, for any other good cause.

**99.** (1.) WHEN an industrial dispute which involves technical questions is referred to the Board or Court, it may, at any stage of the proceedings, direct that two experts nominated by the parties shall sit as assessors.

Appointment of experts as Assessors to Board or Court.

1900 Act, ss. 92 (1 and 2) and 68.

N.Z. Act, s. 101.

One of the experts shall be nominated by the party, or, as the case may be, by all the parties, whose interests are with the employers; and one by the party, or, as the case may be, by all the parties, whose interests are with the workers.

The experts shall be nominated in the prescribed manner, but shall not be deemed to be members of the Board or Court.

(2.)

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(2.) The powers by this section conferred upon the Board and the Court respectively shall, whilst the Board or the Court is not sitting, be exercisable by the Chairman of the Board and the President of the Court respectively.

Powers of Board or Court as to joinder, waiver, and extension of time.

1900 Act, ss. 90, 60, and 62.

N.Z. Act, s. 102.

**100.** (1.) IN order to enable the Board or Court more effectually to dispose of any matter according to the substantial merits and equities of the case, it may, at any stage of the proceedings, and upon such terms as it thinks fit, by order—

- (a.) Direct parties to be joined or struck out;
- (b.) Amend or waive any error or defect in the proceedings;
- (c.) Extend the time within which anything is to be done by any party; and
- (d.) Generally give such directions as are deemed necessary or expedient in the premises.

Exercise of powers when Board or Court not sitting.

(2.) The powers by this section conferred upon the Board may, when the Board is not sitting, be exercised by the Chairman, subject to an appeal to the Board.

(3.) Where a dispute is pending before the Court, the Court may, on summary application, in addition to the matters aforesaid, make such order as may be just with respect to the issues to be submitted to the Court, the persons to be served with notice of proceedings, the parties to the proceedings, particulars of the claims of all parties, admissions, discovery, inspection of documents, inspection of property, examination of witnesses, and the place and mode of hearing.

1900 Act, s. 91.

N.Z. Act, s. 100 (3).

(4.) The powers by this section conferred upon the Court may, when the Court is not sitting, be exercised by the President.

Penalty for contempt of Board or Court.

1900 Act, s. 72.

N.Z. Act, s. 103.

**101.** IF any person insults any member of the Board or Court, the Clerk, or the Clerk of the Court, or wilfully interrupts the proceedings, or without good cause refuses to give evidence, or is guilty in any other manner of any wilful contempt in the face of the Board or Court, it shall be lawful for any officer of the Board or Court, or any member of the Police Force, to take the person offending into custody and remove him from the precincts of the Board or Court, to be detained in custody until the rising of the Board or Court, and the person so offending shall be liable to a penalty not exceeding Ten pounds.

Obstruction of Board or Court.

N.Z. Act, s. 104.

**102.** IF any person writes, prints, or publishes anything calculated to obstruct or in any way interfere with or prejudicially affect any matter before the Board or Court, he shall for every such offence be liable to a penalty not exceeding Fifty pounds.

103.

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**103.** IF any party to proceedings before the Board or Court fails, after receiving notice, to attend or be duly represented, the Board or Court may proceed and act as fully in the matter before it as if such party had duly attended or been duly represented.

Power to proceed if any party fail to attend.

1900 Act, s. 73.

N.Z. Act, s. 105.

**104.** (1) PROCEEDINGS before the Board or Court shall not abate by reason of the seat of any member of the Board or Court being vacant for any cause whatever, or of the death of any party to the proceedings; and, in the latter case, the legal personal representative of the deceased party shall be substituted in his stead.

Proceedings not to abate by reason of death.

1900 Act, s. 86.

N.Z. Act, s. 106.

(2.) A recommendation or order of the Board, or an award or order of the Court, shall not be void or in any way vitiated by reason merely of an informality or error of form.

Recommendation or award not void for informality.

1900 Act, s. 78.

N.Z. Act, s. 106 (2).

Cp. s. 47 of this Act.

**105.** THE proceedings of the Board or Court may be conducted during the day or at night, and shall be conducted in public: Provided that, at any stage of the proceedings, the Board or Court may direct that the proceedings be conducted in private: and in such case all persons (other than the parties, their representatives, the officers of the Board or Court, and the witness under examination) shall withdraw.

Proceedings of Board or Court to be public.

1900 Act, ss. 46, 70, 93.

N.Z. Act, s. 107.

**106.** (1.) ANY Board and the Court, and upon being authorised in writing by the Board or Court, any member or officer of such Board or Court respectively, or any expert appointed under section ninety-nine, may, without any other warrant than this Act, at any time—

Powers of entry to Board or Court for examination of manufactories, etc.

1900 Act, ss. 48, 67.

N.Z. Act, s. 108.

1900 Act, s. 48 (a).

N.Z. Act, s. 108 (1).

(a.) Enter upon any manufactory, building, workshop, factory, mine, mine-workings, ship or vessel, shed, place, or premises of any kind whatsoever, wherein or in respect of which any industry is or is reputed to be carried on or any work is being or has been done or commenced, or any matter or thing is taking or has taken place, which is made the subject of a reference to such Board or Court;

(b.) Inspect and view any work, material, machinery, appliances, article, matter, or thing whatsoever being in such manufactory, building, workshop, factory, mine, mine-workings, ship or vessel, shed, place, or premises as aforesaid;

Inspection of work.

1900 Act, s. 48 (a).

N.Z. Act, s. 108 (2).

(c.) Interrogate any person or persons who may be in or upon any such manufactory, building, workshop, factory, mine, mine-workings, ship or vessel, shed, place or premises as aforesaid in respect of or in relation to any matter or thing hereinbefore mentioned:

Interrogation of persons.

1900 Act, s. 48 (b).

N.Z. Act, s. 108 (3).

(2.)



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1900 Act, s. 48.  
N.Z. Act, s. 108.

(2.) Any person who shall hinder or obstruct the Board or Court, or any such member officer, or expert in the exercise of any power conferred by this section, or who shall refuse to the Board or Court, or such member, officer, or other person entrance during any such time as aforesaid to any such manufactory, building, workshop, factory, mine, mine-workings, ship or vessel, shed, place, or premises, or shall refuse to answer any question put to him as aforesaid, shall for every such offence be liable to a penalty not exceeding Fifty pounds.

## 5. GOVERNMENT EMPLOYEES.

Provision as to  
Government em-  
ployees.

**107.** IF any person employed by the Government on daily wages, payable weekly or fortnightly, is a member of any industrial union composed of workers of the same trade as such person, the Minister of the department in which such person is employed shall, in relation to all such persons who are for the time being members of such union, and for the purposes of this division of this Act, be deemed an employer, and such persons shall be deemed workers.

Government rail-  
ways.

**108.** WITH respect to the Government railways open for traffic—

(a.) The society of railway servants called "The West Australian Locomotive Engine-drivers, Firemen, and Cleaners' Union of Workers," and now registered as an industrial union under the Industrial Conciliation and Arbitration Act, 1900, shall be deemed to be registered under this Act: Provided that the constitution and rules of such society shall, within ninety days after being so required by the Registrar, be amended so far as may be necessary to bring them into compliance with this Act, and in case of default, the registration may be cancelled by the Registrar.

(b.) Any association or society of Government railway servants may register under this Act as an industrial union of workers.

Unions of Govern-  
ment employees.

**109.** IN reference to any industrial union mentioned in sections one hundred and seven or one hundred and eight, the following provisions shall apply:—

(1.) The Minister of the Department or the Minister for Railways, as the case may be (hereinafter in this section called the Minister) may enter into industrial agreements with any such union.

(2.) If an industrial dispute arises between the Minister and any such union, it may be referred to the Court for settlement as hereinafter provided.

(3.)

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- (3.) Any such union may, by petition filed with the Clerk of the Court, and setting forth the particulars of the matters in dispute, pray the Court to hear and determine the same.
- (4.) Such petition shall be under the seal of such union and the hands of two members of the committee of management thereof.
- (5.) No such petition shall be filed except pursuant to a resolution of a special meeting of the union called for the purpose, in accordance with its rules, and with respect to such resolution, and the procedure thereon, sections ninety-six and ninety-seven shall apply.
- (6.) Such petition, when duly filed, shall be referred to the Court by the Clerk of the Court, and the Court, if it considers the dispute sufficiently grave to call for investigation and settlement, shall notify the Minister thereof, and appoint a time and place at which the dispute will be investigated and determined, in like manner as in the case of a reference, and the Court shall have jurisdiction to hear and determine the same accordingly, and to make award thereon.
- (7.) In making any award under this section the Court shall have regard to the provisions of any Act in force relating to the classification of the Department of Government Railways.
- (8.) In any proceedings before the Court under this section, the Minister may be represented by any officer of the department whom he appoints in that behalf.
- (9.) All expenses incurred and moneys payable by any Minister under this Act shall be payable out of moneys appropriated by Parliament for the purpose.
- (10.) In no case shall the Board have any jurisdiction over the Minister, or the workers employed in his department.
- (11.) Except for the purposes of this section the Court shall have no jurisdiction over any Minister, or the workers employed in his department.
- (12.) Except where inconsistent with the express provisions of this and the two preceding sections, every such union of workers shall be subject to and entitled to all the benefits of this Act in the same way as if the Minister were an employer and the department of which he is Minister were an industry, and as if the persons employed in such department, and being members of such unions, were workers.

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## 6. MISCELLANEOUS.

Notifications in  
*Gazette* to be  
evidence.  
1900 Act, s. 100.  
N.Z. Act, s. 110.

**110.** ANY notification made or purporting to be made in the *Gazette* by or under the authority of this Act may be given in evidence in all Courts of Justice, in all legal proceedings, and for any of the purposes of this Act, by the production of a copy of the *Gazette*, printed by the Government Printer for the time being.

Documents under  
seal of Court and  
certain signatures  
to be judicially  
noticed.  
1900 Act, s. 101.  
N.Z. Act, s. 111.

**111.** (1.) EVERY document bearing the seal of the Court shall be received in evidence without further proof, and the signature of the President of the Court, or the Chairman of the Board, or of the Registrar, or of the Clerk, or of the Clerk of the Court, shall be judicially noticed in or before any Court or person or officer acting judicially or under any power or authority contained in this Act: Provided such signature is attached to some award, order, certificate, or other official document made or purporting to be made under this Act.

1900 Act, s. 101.  
N.Z. Act, 111 (2).

(2.) No proof shall be required of the handwriting or official position of any person acting in pursuance of this section.

Regulations.  
1900 Act, s. 102.  
N.Z. Act, s. 112.

**112.** THE Governor from time to time may make regulations for any of the following purposes:—

- (1.) Prescribing the forms of certificates, notices, returns, or other instruments to be issued by or sent to the Registrar, and of any certificate or other proceeding of any Board, or any officer thereof;
- (2.) Prescribing the duties of Clerks, the Clerk of the Court, and of all other officers and persons acting in the execution of this Act;
- (3.) Providing for anything necessary to carry out the first or any subsequent election of members of Boards, or on any vacancy therein, or in the office of Chairman of any Board, including the forms of any notice, proceeding, or instrument of any kind to be used in or in respect of any such election;
- (4.) Providing for the mode in which recommendations by industrial unions as to the appointment of members of the Court shall be made and authenticated;
- (5.) Prescribing any act or thing necessary to supplement or render more effectual the provisions of this Act as to the conduct of proceedings before a Board or the Court, or the transfer of such proceedings from one of such bodies to the other;
- (6.) Providing generally for any other matter or thing necessary to give effect to this Act, or to meet any particular case;

(7.)

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- (7.) Prescribing what fees shall be paid in respect of any proceeding before a Board or the Court, and the party by whom such fees shall be paid;
- (8.) Prescribing what fees and expenses shall be paid to the members of the Court and to the members of the Board; and
- (9.) For any other purpose for which regulations are contemplated or required in order to give full effect to this Act.

**113.** NOTHING in any such regulations shall supersede any fees for the time being in force in the Supreme Court, or any other Court, in relation to any proceedings therein, otherwise than is herein expressly provided.

*Saving of fees payable in Supreme Court.*

1900 Act, s. 102.  
N.Z. Act, s. 114.

**114.** ALL charges and expenses incurred by the Government in connection with the administration of this Act shall be defrayed out of such annual appropriations as from time to time are made for that purpose by Parliament.

*Expenses incurred by the Government payable out of moneys appropriated.*

1900 Act, s. 103.  
N.Z. Act, s. 115.

**115.** NO stamp duty shall be payable upon or in respect of any registration, certificate, agreement, award, or instrument effected, issued, or made under this Act:

*Stamp duty not payable in certain cases.*

1900 Act, s. 104.  
N.Z. Act, s. 116.

**116.** THE Industrial Conciliation and Arbitration Act, 1900, is hereby repealed: Provided nevertheless, as follows:—

*Repeal of 1900 Act, (84 Vict., No. 20).*

- (1.) Every person appointed to any office under such repealed Act, and holding office at the time of the repeal, shall, subject as aforesaid, be deemed to have been appointed under this Act.
- (2.) Every industrial union or association registered and incorporated under such repealed Act at the time of the repeal shall be deemed to be registered and incorporated under this Act: Provided that the constitution and rules of any such union or association shall, within ninety days after being so required by the Registrar, be amended in such a manner as to bring them into full compliance with this Act, or otherwise the registration may be cancelled by the Registrar.
- (3.) All registers, records, certificates, awards, industrial agreements, and other official documents existing under such repealed Act at the time of the repeal shall endure and continue for the purposes of this Act.
- (4.) All proceedings pending under such repealed Act at the time of the repeal may be continued and completed under this Act.

*Saving.*

N.Z. Act, s. 117.

(5.)

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(5.) All regulations in force at the time of such repeal shall be deemed to have been made under this Act.

Offences.

**117.** EVERY person or industrial union or association guilty of an offence against this Act may be convicted thereof by a Court of summary jurisdiction on the information or complaint of the Registrar, and all penalties recovered therefor shall be paid into the Treasury to the credit of the Consolidated Revenue Fund.

Registered unions and associations not affected by Acts against illegal societies.

**118.** NO industrial union or association duly registered under this Act shall, from the date of such registration, and while so registered, be affected by the provisions of any Act of the Imperial Parliament against corresponding societies or unlawful combinations in respect of any matters done in compliance with the registered rules of such union or association.

Act not to apply to Crown.  
1900 Act, s. 105.  
N.Z. Act, s. 118.

**119.** EXCEPT as provided by sections one hundred and seven, one hundred and eight, and one hundred and nine hereof, nothing in this Act shall apply to the Crown.

In the name and on behalf of the King I hereby assent to this Act.

ARTHUR LAWLEY, Governor.

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## SCHEDULE.

Section 37.

## REGULATIONS FOR ELECTION OF MEMBERS OF A BOARD OF CONCILIATION.

1900 Act, ss. 33,  
(4, a to c and from  
f to n) and 37.  
N.Z. Act, s. 38.

1. The Clerk shall act as Returning Officer, and shall do all things necessary for the proper conduct of the election.
2. The first election shall be held within not less than thirty nor more than sixty days after the constitution of the district in the case of districts hereafter constituted, and in the case of existing Boards, the election shall be held on a date or dates to be fixed by the Governor in the *Gazette* notice mentioned in section thirty-six.
3. Each subsequent election shall, in every case, be held within not less than twenty nor more than thirty days before the expiry of the then current ordinary term of office.
4. The Governor may extend the period within which any election shall be held for such time as he thinks fit.
5. The Returning Officer shall give twenty-one days' notice, in one or more newspapers circulating in the industrial district, of the day and place of election.
6. For the purposes of each election the Registrar shall compile and supply to the Returning Officer by letter or telegram a roll setting forth the name of every industrial union entitled to vote, and every such union, but no other, shall be entitled to vote accordingly.
7. The roll shall be supplied not less than fourteen days before the day fixed for the election, and shall be open for free public inspection at the office of the Clerk during office hours, from the day on which it is received by the Clerk until the day of the election.
8. Nominations for election shall be made in writing under the seal of the industrial union and the hand of its chairman or secretary.
9. An industrial union not entitled to vote shall not be entitled to nominate.
10. Each nomination shall be accompanied by the written consent of the person nominated, and be lodged with the Returning Officer not later than five o'clock in the afternoon of the twelfth day before the day of election.
11. Forms of nomination shall be provided by the Returning Officer on application to him for that purpose.
12. The Returning Officer shall affix a list of the names of all persons validly nominated on the outside of the door of his office at least four clear days before the day of election, and advertise the names of such persons in one or more newspapers circulating in the district seven days before the day of election.
13. If the number of persons nominated does not exceed the number to be elected, the Returning Officer shall at once declare such persons elected.
14. If the number of persons nominated exceeds the number to be elected, then votes shall be taken.
15. The vote of each industrial union shall be taken in the manner prescribed by the rules of such union, signified by voting-paper under the seal of such union and the hand of the chairman and secretary.

*Industrial Conciliation and Arbitration.*

16. The voting-paper shall be lodged with or transmitted by post or otherwise to the Returning Officer at his office, so as to reach his office not later than five o'clock in the afternoon of the day of the election; and the Returning Officer shall record the same in such manner as he thinks fit.
17. Every voting-paper with respect to which the requirements of these regulations are not duly complied with shall be deemed to be informal.
18. Each industrial union shall be entitled to votes as per the following scale:—
 

If the members (other than honorary) residing in	
the district do not exceed 100 in number	One vote.
If not exceeding 300, though more than 100	Two votes.
If over 300	Three votes.

The number of members shall be determined by the last preceding list forwarded in accordance with Section 16 of the Act.
19. Every vote must be recorded in favour of a number of candidates equal to the number to be elected, and the persons, not exceeding the number to be elected, having the highest aggregate number of votes in each division shall be deemed elected.
20. In any case where two or more candidates in the same division have an equal number of votes, the Returning Officer, in order to complete the election, shall give a casting vote. Any candidate may, before such casting vote is given, withdraw from the election.
21. As soon as possible after the votes of each division of industrial unions have been recorded, the Returning Officer shall reject all informal votes, and ascertain what persons have been elected as before provided, and shall state the result in writing, and forthwith affix a notice thereof on the door of his office.
22. If any question or dispute arises touching the rights of any industrial union to vote, or the validity of any nomination or vote, or the mode of election or the result thereof, or any matter incidentally arising in or in respect of such election, the same may, in the prescribed manner, be referred to the Registrar at any time before the gazetting of the notice of the election of the members of the Board as hereinafter provided, and the decision of the Registrar shall be final.
23. Except as aforesaid, no such question or dispute shall be raised or entertained.
24. In case any election is not commenced or completed on the respective days appointed, the Returning Officer may adjourn the election, or the completion thereof, to the next or any subsequent day, and may then proceed with the election.
25. The whole of the voting papers used at the election shall be securely kept by the Returning Officer during the election, and thereafter shall be put in a packet and kept until the gazetting of the notice last aforesaid, when he shall cause the whole of them to be effectually destroyed.



## Western Australia.

ANNO PRIMO ET SECUNDO

EDWARDI VII. REGIS.

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No. XXII.

### AN ACT to amend the Municipal Institutions Act, 1900.

*[Assented to, 19th February, 1902.]*

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. THIS Act may be cited for all purposes as the Municipal Institutions Act Amendment Act, 1902.

Short title.

2. NOTWITHSTANDING any provision to the contrary in the Municipal Institutions Act, 1900, the Council of the Municipality of North Fremantle shall be entitled, on the application of the owner, or (if there be more than one owner) of the owners of so many of the houses and lands abutting upon the streets or ways in the said municipality, known as Jewell Parade and Willis Avenue, as in ratable value are the greater part of all the houses and lands so abutting, by writing under the common seal of the municipality declare the same to be public streets; and the said streets shall become public streets, and shall thereafter be under the management of the Council.

Amendment of  
64 Vict., No. 8, sec.  
222.

3.



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*Municipal Institutions—Amendment.*

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Further amendment  
of said section.

3. NOTWITHSTANDING any provisions to the contrary in the Municipal Institutions Act, 1900, the Council of the Municipality of East Fremantle shall be entitled, by writing under the common seal of the municipality, to declare the street or way known as Reserve Street to be a public street; and such street shall, therefore, become a public street, and thereafter be under the management of the said Council.

In the name and on behalf of the King I hereby assent  
to this Act.

ARTHUR LAWLEY, Governor.



## Western Australia.

ANNO PRIMO ET SECUNDO

## EDWARDI VII. REGIS.

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No. XXIII.

### AN ACT to amend the Health Act, 1898.

[Assented to, 19th February, 1902.]

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. THIS Act may be cited as the Health Act Amendment Act, 1902, and shall be incorporated with the Health Act, 1898 (hereinafter called the principal Act), and all amendments thereof.

Short title.

2. (1.) THE seat of a member of a District Board of Health shall become vacant if such member shall—

Vacancy in board of a combined district.

(a.) Cease to be a member of the municipal council or road board by which he was elected a member of such District Board; or shall

(b.) Die or resign or be ousted of such office by any Court of competent jurisdiction.

(2.)

*Health—Amendment.*

(2.) Every such vacancy shall be filled by the municipal council or road board which elected the member whose seat has become vacant electing another of their number to be a member of the District Board. The result of such election shall be reported to the Minister, and the Governor shall, by notice in the *Government Gazette*, appoint the person so elected to be a member of the District Board.

District Board may adopt road board or municipal valuation.

3. WHERE the district of a Local or District Board comprises any land or tenement within the district of a road board or municipality, the Local or District Board, as the case may be, may adopt the valuation of such land or tenement as made by the road board or municipal council respectively, and such valuation shall, for all purposes, be as valid and binding as if made by the Local or District Board respectively.

Rates due before proclamation of a combined district may be collected by the District Board.

4. UPON the proclamation of any combined district, all moneys due or payable for any public health rate theretofore struck in any district or part of a district (including any municipal or road board district) included within such combined district shall be payable and paid to the District Board of such combined district, and may be sued or otherwise recovered and enforced as if such rate had been struck by such District Board.

This section shall be read as if it formed part of the Health Act Amendment Act, 1900, and had come into operation on the 5th December, 1900.

Where rate struck for removal of refuse, etc., exempted premises to pay charge.

5. (1.) NOTWITHSTANDING the making and levying of a rate in accordance with section one hundred and seventy-eight of the principal Act, for the purpose of providing for the proper removal of nightsoil and other refuse within the district or any part thereof, the Local or District Board making or levying such rate may provide for the removal and disposal of nightsoil and other refuse from any premises exempted from such rate, and may make an annual charge, payable in advance, for the removal of such nightsoil or refuse from such premises, and may levy and make such annual charge upon and against the owner or occupier of such exempted premises as the Local or District Board may by resolution decide, and may recover such charge in the same way as and from the same person as if the charge were a public health rate.

(2.) No annual charge in respect of any premises shall exceed the amount which would have been payable if such premises had been liable to be, and had been, rated.

*Health—Amendment.*

6. A DISTRICT Board shall, within its district, have and exercise all the powers and authorities which a Local Board may exercise within its district, and shall be subject to the same duties and liabilities.

District Board to have powers and duties of a local board.

7. ALL proclamations, orders, and regulations for the purpose of preventing the spread of the disease known as bubonic plague, made or published before the commencement of this Act, and made in pursuance of the provisions of the principal Act, or purporting to have been so made, declaring places to be infected or quarantined, and prohibiting persons from entering or leaving such places, shall be deemed to have been and to be good and valid proclamations, orders, and regulations under that Act excepting as regards such actions or suits which have already been commenced; and the Colonial Secretary, the Central Board, and every Local Board, and all persons and officers whatsoever are hereby saved harmless in respect of any acts done by them in pursuance of any such proclamations, orders, and regulations, and in respect of the cleansing and disinfecting of any land or buildings, and in respect of the cleansing or pulling down and removal of any buildings or parts thereof for the purpose of preventing the spread of the said disease.

Validating orders, etc., in reference to bubonic plague.

8. THE principal Act is amended, as follows:—

Amendment of principal Act.

In section thirty-eight, in the second and fourth lines of the seventeenth paragraph, the words "or fish" are inserted after the word "fruit."

Section 38.

The following paragraphs are inserted next before the last paragraph of section thirty-eight:—

Section 38.

"For specifying some place or places at which all fish must be produced for inspection before being sold or offered or exposed for sale within the district."

"For preventing any person expectorating on any made footpath in any street or public place, or on any building to which the public have access or any approach thereto, or on any railway carriage, tramcar, or other public conveyance."

In section one hundred and eighteen, the words "tuberculosis of the lung" are inserted before the word "leprosy."

Section 118.

In section one hundred and forty-six, the words "one hundred and eighty-five to one hundred and ninety-two" are struck out, and the words "one hundred and ninety-one to one hundred and ninety-five" substituted therefor.

Section 146.

In

*Health—Amendment.*

Section 169.

In section one hundred and sixty-nine, line one, the word “houses” is inserted after the word “all.”

Section 187.

In section one hundred and eighty-seven, the words “in charge of any abattoir, slaughterhouse, or piggery” are struck out.

Section 231.

In section two hundred and thirty-one, sub-section six, the words “sixty-one” are substituted for the words “sixty-three.”

Amendment of  
sections 110 and 111  
of principal Act.

9. SECTIONS one hundred and ten and one hundred and eleven of the principal Act are struck out, and the following sections are substituted therefor:—

Governor may  
direct enforcement  
of provisions to pre-  
vent disease.

*Ibid.*, s. 37.*Ibid.*, s. 121.

110. THE Governor may make orders from time to time directing that the provisions in the next following section contained, for the prevention of epidemic, endemic, and contagious diseases, be put in force in Western Australia, or in such parts thereof, or in such places therein, as in such orders respectively may be expressed; and may in like manner from time to time revoke, alter, or vary any such orders; and such orders shall have the like effect as if the provisions therein contained were included in this Act: Provided that such orders shall, within one week from the making thereof, be published in the *Government Gazette*.

Board to make  
regulations as to  
diseases.

*Ibid.*, s. 74.

111. FROM time to time after the issuing of any such order as in the last preceding section mentioned, and whilst the same continues in force, the Central Board may make such regulations as the said Board shall think fit for the prevention, as far as possible, or mitigation of such epidemic, endemic, or contagious diseases, and may from time to time revoke, renew, and alter any such regulations, or substitute such new regulations as to the said Board may seem expedient; and the said Board may, by such regulations, provide—

- (a.) For the giving of notice of the presence of any infectious or contagious disease in any house, premises, place, town, or district;
- (b.) For the entry, at all times, of houses, buildings, and premises by medical or other officers or persons, for the purpose of carrying out any of the said regulations, or of inquiring into and ascertaining the presence of such diseases;
- (c.) For the effectual cleansing of streets and public ways and places by those entrusted by law with the

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*Health—Amendment.*

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the care and management thereof, or by the owners and occupiers of houses and tenements adjoining thereto ;

- (d.) For the cleansing, purifying, ventilating, and disinfecting of houses, schools, churches, buildings, and places of assembly or entertainment, and other buildings and premises, by the owners or occupiers or persons having the care and ordering thereof, or by other persons at the expense of such owners or occupiers or persons, or, where necessary, at the public expense ;
- (e.) For the destruction or disinfection of any goods or chattels, and of night-soil or the fæcal or other discharges of persons suffering from infectious or contagious disease ;
- (f.) For a house-to-house visitation and inspection of the whole or part of any district ;
- (g.) For the removal of persons suffering from infectious or contagious diseases to hospitals, or other suitable or convenient places, and the keeping of them in such places until they are free from infection or contagion ;
- (h.) For the forbidding and preventing of persons from quitting or entering any house, premises, place, town, or district which may be declared by the said Board to be infected ;
- (i.) For the declaring of any house, premises, town, or district to be infected as aforesaid ;
- (j.) For the times, methods, and conditions of the burial or disposal of the dead ;
- (k.) For lessening or regulating the number of the inmates and occupants of common or other lodging houses, workrooms, or factories, or other public buildings ;
- (l.) For causing public and private privies and earth closets to be established and properly constructed, maintained, and cleansed ;
- (m.) For the speedy removal of nuisances ;
- (n.) For any matter of the like or other kind which the Board may deem to be necessary as a precaution against the breaking out or spreading of any such diseases as aforesaid ;
- (o.)

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*Health—Amendment.*

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(o.) And generally for preventing or mitigating such epidemic, endemic, or contagious diseases in such manner as to the Board may seem expedient ;

And the said Board may, by any such regulations, authorise, require, and direct any local board or their officers to superintend and see to the execution of any such regulations, and to provide for the dispensing of medicines, and for affording to persons afflicted by or threatened with such epidemic, endemic, or contagious diseases such medical aid as may be required, and the said Board may do and provide all such acts, matters, and things as may be necessary for executing or superintending and aiding in the execution of such regulations.

Such regulations shall extend to all parts or places included in any order to be issued by the Governor as aforesaid, unless such regulations be expressly confined to some of such parts or places, and shall continue in force until such order be rescinded in regard to the parts or places to which such regulations shall extend. All such regulations shall, within two weeks from the making thereof, be published in the *Government Gazette*.

The Board shall be deemed to have had such powers from the commencement of the Health Act, 1898.

In the name and on behalf of the King I hereby assent to this Act.

ARTHUR LAWLEY, Governor.



## Western Australia.

ANNO PRIMO ET SECUNDO

EDWARDI VII. REGIS.

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No. XXIV.

AN ACT for the Early Closing of Shops, and  
to regulate the Hours of Employment in  
Shops and other Places of Business.

*[Assented to, 19th February, 1902.]*

**B**E it enacted by the King's Most Excellent Majesty, by and  
with the advice and consent of the Legislative Council and  
Legislative Assembly of Western Australia, in this present Parlia-  
ment assembled, and by the authority of the same, as follows:—

### PART I.—PRELIMINARY.

1. THIS Act may be cited as the Early Closing Act, 1902.

Short title.

2. IN this Act, unless the context otherwise requires,—

Interpretation.

“Closed” means closed to the admission of the public for  
purposes of trade.

“District” means a municipality or other area declared by  
proclamation to be a district for the purposes of this Act.

“Minister”



*Early Closing.*

- “Minister” means the Minister of the Crown charged with the administration of this Act. :
- “Proclamation” means a proclamation by the Governor published in the *Government Gazette*.
- “Shop” means place, building, stall, tent, vehicle, or boat in which goods are offered or exposed for sale, or in which the business of a hairdresser is carried on, in any district ; or portion of a building separated from the rest of the building by a substantial partition, and in which goods are offered or exposed as aforesaid, or in which any such business as aforesaid is carried on.
- “Shop assistant” means person employed in or in connection with the sale of goods in a shop, not being a carter, and includes any clerk employed in a shop, but does not include any person who is employed by the shopkeeper when the shop is closed only.
- “Shopkeeper” means person, partnership, or corporation occupying a shop directly or indirectly as principal, and any agent or other person acting or apparently acting in the management or control of a shop.
- “Week-day” means any day of the week except Sunday.

## PART II.—THE CLOSING OF SHOPS.

Districts.

**3.** THE Governor may from time to time, by proclamation, declare any municipality to be, or cease to be, a district for the purposes of this Act ; and may in like manner define the boundaries of any other area, and declare the same to be, or cease to be, a district.

Closing times.

**4.** (1.) THE closing time for all shops (except those mentioned in Schedule One) situate in any district shall be, in every week :—

On one week-day, One o'clock ;

On one week-day, Ten o'clock ;

On the four other week-days, Six o'clock ;

and all such shops shall close on those days not later than the hours above-mentioned, which shall be the hours after the hour of noon in each day, and shall continue closed until eight o'clock, or such earlier hour as may be mentioned in the proclamation, in the morning of the week-day next following.

(2.)

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*Early Closing.*

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(2.) (a.) Until altered in pursuance of this Act, the days on which all such shops shall close at one o'clock and ten o'clock respectively shall be Wednesday and Saturday, according to the choice of the shopkeeper.

(b.) The choice of the shopkeeper shall be made by sending to the Minister, or to any person authorised by the Minister in that behalf, a notice in the form in Schedule Two. Until he makes such choice in the manner aforesaid, the shopkeeper shall be deemed to have chosen one o'clock as the closing time on Wednesday and ten o'clock as the closing time on Saturday.

When a shopkeeper has made any such choice, he shall not make another choice until after the expiration of three months from the day when the former choice was made.

(c.) Where in any district a shopkeeper occupies two or more shops, not being shops mentioned in Schedule One, all such shops shall, on each day, close at the same time.

(3.) Where any such shop is closed during the whole of any week-day set apart in any week as a bank holiday or public holiday, and the shop assistants are not employed therein during such day, such shop may be kept open until six o'clock in the evening of the day of such week on which the closing time is one o'clock; and where such holiday as aforesaid is Christmas Day or New Year's Day, such shop may also be kept open until ten o'clock in the evening of the week-day next preceding.

5. A MAJORITY of shopkeepers of shops (not being shops mentioned in Schedule One) situate within any district may present to the Minister a memorial under their hands, in the form of Schedule Three, asking that the days appointed for closing at one o'clock and ten o'clock respectively may be altered to the days specified in the memorial; whereupon the days in each week for the closing of shops in such district at one o'clock and ten o'clock respectively may be altered accordingly by proclamation.

Memorial for  
alteration of days.

6. THE closing time for all hairdressers' shops in any district shall be not later than half-past six o'clock in the evening of all week-days, except Saturdays, and the week-days next preceding Christmas Day and New Year's Day, and ten o'clock in the evening of Saturday, and of the week-days next preceding Christmas Day and New Year's Day.

Closing time for  
hairdressers' shops.

7.

*Early Closing.*

Penalties for not  
closing shops.

7. IF any shop is not closed at the closing time fixed, chosen, or deemed to be chosen, for such day in respect of such shop by or under this part, and kept closed until the opening time in the morning of the next following week-day, the shopkeeper shall be guilty of an offence against this Act :

Provided that no such shopkeeper shall be guilty of the said offence by reason only that within one half-hour after the said closing time goods have been offered or sold to customers, or customers have been attended to, who at the said closing time were in the shop being served or attended to, or waiting to be served or attended to.

Closing of exempted  
shops carrying on  
other trades.

8. EVERY shop mentioned in Schedule One, in which is carried on any class of trade not usually carried on in shops mentioned in the said Schedule, shall be closed at the closing time fixed by or under this Act for shops not mentioned in the said Schedule.

## PART III.—SHOP ASSISTANTS.

Employment of  
assistants in shops  
not mentioned in  
Schedule One.

9. NO shop assistant shall be employed in any shop or about the business of any shop (not being a shop mentioned in Schedule One) situate within any district, for more than one half-hour next after any closing time fixed, appointed, chosen, or deemed to be chosen in pursuance of this Act for such shop, until the opening time in the morning of the week-day next following.

Provided that the shopkeeper may employ any shop assistant on any twelve week days in any half-year (not being days on which the shop closes at one or ten o'clock, or any public or bank holiday allowed within the district as a holiday), for a period not exceeding three hours (exclusive of the hour to be allowed for refreshment under this section) after the closing hour on the said days ; but during any such period the shop shall be closed, and the assistants so employed shall be allowed by the shopkeeper one hour for refreshment.

Half-holidays in  
exempted shops.

10. ALL shop assistants employed in any shop exempted from the operation of Part II., and all assistants employed in any wholesale or commission agent's place of business, shall be allowed a half-holiday from half-past one o'clock in the afternoon on some one week-day of every week, except a week in which there is a public or bank holiday allowed to such assistants as a holiday or half-holiday.

Provided that, in the case of shop assistants employed in public houses, hotels, restaurants, or eating-houses, the half-holiday may be allowed from half-past two o'clock in the afternoon.

In

*Early Closing.*

In the case of assistants employed in hairdressers' shops, the half-holiday shall be allowed on one of the days upon which shops which are not exempted from the operation of Part II. are required to be closed within the district.

**11.** EVERY shop assistant employed in any shop, or about the business of any shop in any district, shall be allowed one hour, between the hours of twelve o'clock, noon, and three o'clock in the afternoon, for dinner, and on every evening when the shop is open after half-past six o'clock, one hour between the hours of five and seven o'clock for tea.

Meal hours.

*Sec. 12 amended by 52 of 1904*  
**12.** NO shopkeeper shall, in or about his shop, employ any woman, or any young person under the age of sixteen years, for a longer period than nine hours, excluding meal times, in any one day, except on one day in each week, when the period may be twelve hours, nor for a longer period than fifty-three hours excluding meal times in any one week.

Limitation of hours of employment of women and young persons.

## PART IV.—SUPPLEMENTAL.

**13.** THE Minister may from time to time appoint and dismiss inspectors to carry out the provisions of this Act, and shall supply each inspector with a certificate of his appointment.

Appointment of inspectors.

**14.** AN inspector, on producing a certificate of his appointment, may—

Powers of inspectors.

- (a.) Enter at any reasonable hour any shop or any place which he has reason to believe is used as a shop ;
- (b.) Make such inquiries as he thinks necessary to ascertain whether the provisions of this Act have been complied with ; and for that purpose ask questions of any shopkeeper or any person employed in or about a shop, and require him to truthfully answer such questions ; and
- (c.) Exercise such powers as may be necessary for carrying out the provisions of this Act.

**15.** ANY person who wilfully obstructs an inspector in the exercise of any power conferred by this Act, or who fails to comply with a lawful requirement made by an inspector, shall be guilty of an offence against this Act.

Obstruction of inspectors.

**16.** IN every shop there shall be kept by the shopkeeper a record of—

Record to be kept by shop.

- (a.) The trading name of the shopkeeper ;
- (b.) The closing time of such shop ;

(c.)

*Early Closing.*

- (c.) The hours during which the shop assistants are employed ;
- (d.) The extra hours of employment under section nine ;
- (e.) The day on which the shop assistants are entitled to a half-holiday under the provisions of section ten where applicable.

Such record shall at all times be exposed in some position visible and accessible to all shop assistants, and shall be produced to any inspector on demand.

*Primâ facie* evidence of employment in shop.

**17.** IN any prosecution of a shopkeeper for an offence against this Act, proof that at any time a shop assistant is in a shop shall be *primâ facie* evidence that at the same time he was employed in the shop by such shopkeeper.

Exemption of shopkeeper from penalty upon proof of another being the real offender.

**18.** WHERE any act or default constituting an offence against this Act, or a breach of any regulation thereunder, for which any shopkeeper is liable to a penalty has in fact been done or committed by some other person, such other person shall be liable to the penalties imposed.

Where such shopkeeper is charged with any such act or default so done or committed by some other person, the said shopkeeper shall be exempt from any penalty upon proving that he supplied proper means and issued proper orders for the observance, and used diligence to enforce the observance of this Act, and that the said act or default was actually done or committed by some other person without his connivance.

Where an inspector is satisfied, before instituting a proceeding for any such offence against the said shopkeeper, that such shopkeeper, if such proceedings were instituted against him, would, under the foregoing provisions of this section, be exempt from any penalty, and the said shopkeeper gives all facilities in his power for proceeding against and convicting the person whom the inspector believes actually to have been guilty of the act or default constituting the offence, the inspector shall proceed against that person in the first instance without first proceeding against the said shopkeeper.

Offences and penalties.

**19.** (1.) IF any shopkeeper or other person shall, in any particular, make default in compliance with any provisions of this Act, he shall be guilty of an offence against this Act.

Penalty for offence against this Act.

(2.) Any person who is guilty of an offence against this Act shall be liable, for the first offence, to a penalty not exceeding Five pounds, and on a second or subsequent conviction to a penalty not exceeding Fifty pounds.

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*Early Closing.*

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**20.** THE Governor may from time to time make such regulations as may be deemed necessary to carry out the object and purposes of this Act, and may in those regulations authorise any penalty not exceeding Five pounds to be imposed for any breach of the same.

Regulations.

**21.** IN any proceedings for an offence against this Act, or for breach of any regulation :

Informations for offences.

- (a.) The information may be laid in the name of an inspector or police officer, or of any shop assistant aggrieved.
- (b.) The information shall be laid within one month from the committing of the offence or breach, and shall be heard and determined in a summary way by a Court of Petty Sessions.
- (c.) It shall be sufficient to allege in the information that the shop was a shop within the meaning of the Act.
- (d.) The production of a copy of the record mentioned in section sixteen, and certified in writing by the inspector, shall be *prima facie* evidence of the facts recorded therein.
- (e.) Judicial notice shall be taken of every proclamation issued under this Act and of the appointment of every inspector.
- (f.) An appeal shall lie from any conviction for any such offence or breach.

**22.** NOTHING in this Act shall apply to any bazaar or fair where goods are sold or exposed for sale in order that the net proceeds of the sale of the goods may be devoted to religious, charitable, or public purposes only.

Exemption of bazaars, etc.

**23.** THE Governor may, by proclamation, temporarily suspend the operation of this Act in so far as it applies to the closing time fixed or appointed for any shop or shops.

Governor may suspend operation of Act as to closing time.

In the name and on behalf of the King I hereby assent to this Act.

ARTHUR LAWLEY, Governor.

## *Coal Mines Regulation.*

### *Returns, Plan, Notices, and Abandonment.*

37. (1.) Returns by owner, agent, or manager of mine.
38. (1.) Plan of mine to be kept at office.
39. Duties and responsibility of manager.
40. Notice to be given of opening and abandonment of mine.
41. (1.) Fencing in case of abandoned mine.
42. (1.) Plan of abandoned mine or seam to be sent to Minister.

### *Inspection.*

43. (1.) Appointment of Inspectors of Mines.
44. (1.) Powers of inspectors.
45. (1.) Notice by inspector of causes of danger not expressly provided against.
- (2.) Arbitration.

### *Arbitration.*

46. Provisions as to arbitration.
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## Western Australia.

ANNO PRIMO ET SECUNDO

EDWARDI VII. REGIS.

\*\*\*\*\*

No. XXV.

### AN ACT relating to Coal Mines.

[Assented to, 19th February, 1902.]

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows (that is to say):—

#### *Preliminary.*

**1.** THIS Act may be cited as the Coal Mines Regulation Act, 1902.

Short title.

**2.** THIS Act shall come into operation on the first day of June, One thousand nine hundred and two.

Commencement of Act.

**3.** THIS Act shall apply to mines of coal, mines of stratified ironstone, mines of shale, and mines of fire-clay; and in this Act, unless the context otherwise requires, the word "mine" or "mining" means a mine or mining to which this Act applies.

Application of Act.  
See Vic. 50 & 51  
Vict., c. 58, s. 3.

4.



*Coal Mines Regulation.*

Interpretation of  
terms.

See N.S.W. 60 Vict.,  
No. 12, s. 74.

See Vic. 50 & 51  
Vict., c. 58, s. 75.

4. IN this Act, unless the context otherwise requires,—

- (a.) "Boy" means a male under the age of eighteen years:
- (b.) "Mine" includes every shaft in the course of being sunk, every tunnel, and every level and inclined plane in the course of being driven, and all the shafts, levels, planes, working places, works, tramways, and sidings, both below ground and above ground, in and adjacent to and belonging to a coal mine:
- (c.) "Miner" means any person employed in or about a coal mine:
- (d.) "Owner," when used in relation to any mine, means any person or persons or body corporate who is the immediate proprietor, or lessee, or occupier of any mine or of any part thereof, or any agent, or trustee, or trustees acting on behalf of owner, and does not include a person or body corporate who merely receives a royalty, rent, or fine from a mine, or is merely the proprietor of a mine subject to any lease, grant, or license for the working thereof, or is merely the owner of the soil, and not interested in the minerals of the mine; but any contractor for the working of any mine or any part thereof shall be subject to this Act in like manner as if he were an owner, but so as not to exempt the owner from any liability:
- (e.) "Plan" includes a correct copy or tracing of any original plan:
- (f.) "Regulations" means regulations under this Act.
- (g.) "Shaft" includes pit:
- (h.) "Inspector" means Inspector of Mines or State Mining Engineer under this Act:
- (i.) "Minister" means the Minister of Mines:
- (j.) "Manager" means the manager or mining manager having the control and daily supervision of the mine:
- (k.) "Registrar" means Registrar of a Mining District.

*Restriction on Employment.*

5. (1.) BOYS under the age of fourteen years and females shall not be employed in or about any mine.

(2.) No boy shall be employed in caging or uncaging trucks or skips.

(3.) No boy shall be employed as a lander or bracedman.

(4.) No person shall be employed for more than forty-eight hours in any week as a lander or bracedman, nor more than eight hours in any twenty-four hours, except in cases of emergency.

Landers and brace-  
men not to be  
employed more than  
eight hours per  
diem, except in  
special circum-  
stances.

(5)

*Coal Mines Regulation.*

(5.) No person shall be deemed to be guilty of an offence against this Act for a contravention of subsection four of this section, or of so much of the next following section as relates to the time for which persons shall not be employed below ground, if he proves that there were special circumstances to render such contravention necessary for the proper working of the mine, and that such contravention was not injurious to the workmen employed in the mine.

(6.) If it appears that a boy was employed on the representation of his parent or guardian that he was of the age at which his employment would not be in contravention of this Act, and under the belief in good faith that he was of that age, the owner or manager of the mine and employer shall be exempted from any penalty, and the parent or guardian (as the case may be) shall, for the misrepresentation, be deemed guilty of an offence against this Act.

Liability for misrepresentation as to age, etc.

See N.S.W. 60 Vict., No. 12, s. 34.

See Vic. 50 & 51 Vict., c. 58, s. 64.

6. (1.) NO person shall be employed below ground in any mine for more than eight consecutive hours at any time, or for more than forty-eight hours in any week, except in cases of emergency.

Persons not to be employed below ground more than eight hours on any day.

(2.) A person shall be deemed and is hereby held to be employed below ground and in the service of the owner of a mine, within the meaning of this Act, from the time that he commences to descend a mine until he returns to the surface.

(3.) The prohibition contained in this section shall not apply to the manager of a mine or to any overman or deputy.

7. (1.) NO person in charge of machinery on which steam, water, electricity, or air, or any two or more of them are used as a motive power in connection with any mine, or for the treatment of the products of any mine, shall be employed for more than eight consecutive hours at any time, or for more than eight hours in any twenty-four hours.

Regulation of employment of persons in charge of machinery, etc.

(2.) Such period of eight hours shall be exclusive of any time occupied in raising steam, or in drawing fires and exhausting steam in connection with the machinery in the charge of such person, and of any time in which such person is employed in case of breakage, emergency, or necessity.

8. EVERY person in charge as aforesaid who is guilty of negligence by which any property is destroyed or damaged shall be guilty of an offence against this Act.

Negligence.

9. THE owner or manager of every mine shall keep, in the office at the mine, a register, and shall cause to be entered in that register, in such form as the regulations prescribe or sanction, the name

Register to be kept of boys employed.

See Vic. 50 & 51 Vict., c. 58, s. 8.

*Coal Mines Regulation.*

name, age, residence, and date of first employment of all boys over fourteen years of age employed in the mine below ground, and of all boys employed above ground in connection with the mine, and shall, on request, produce the register to any inspector under this Act.

Penalty for employment of persons in contravention of Act.

See *ibid.*, s. 9.

**10.** (1.) IF any person contravenes or fails to comply with, or permits any person to contravene or fail to comply with, any provision of this Act with respect to the employment of boys, or to the register of boys, he shall be guilty of an offence against this Act.

(2.) In the event of any such contravention or non-compliance by any person whomsoever, the owner or manager of the mine shall each be guilty of an offence against this Act, unless he proves that he had taken all reasonable means, by publishing, and to the best of his power enforcing, the provisions of this Act to prevent the contravention or noncompliance.

*Wages.*

Prohibition of payment of wages at public houses, etc.

N.S.W. 60 Vict., No. 12, s. 37.

See Vic. 50 & 51 Vict., c. 58, s. 11.

**11.** (1.) NO wages shall be paid to any person employed in or about any mine at or within any public house or any place for the sale of any spirits, beer, wine, cider, or other spirituous or fermented liquor, or house of entertainment, or any office, garden, or place belonging or contiguous thereto or occupied therewith; and all wages shall be paid in cash.

(2.) Every person who contravenes or fails to comply with, or permits any person to contravene or fail to comply with, this section, shall be guilty of an offence against this Act; and, in the event of any such contravention or non-compliance by any person whomsoever, the owner and manager of the mine shall each be guilty of an offence against this Act, unless he proves that he had taken all reasonable means by publishing, and to the best of his power enforcing, the provisions of this section to prevent such contravention or non-compliance.

Payment of persons employed in mines by weight.

See N.S.W. 60 Vict., No. 12, s. 38.

**12.** (1.) WHERE the amount of wages paid to any of the persons employed in a mine depends upon the amount of mineral gotten by them, those persons shall be paid according to the actual weight gotten by them of the mineral contracted to be gotten; and the mineral gotten by them shall be truly weighed at a place as near to the pit mouth as is reasonably practicable before being screened and cleaned.

See Vic. 50 & 51 Vict., c. 58, s. 12.

Nothing in this section shall preclude the owner or manager of the mine from agreeing with the persons employed in the mine that deductions shall be made in respect of stones or substances other than the mineral contracted to be gotten, which shall be sent out of the mine with the mineral contracted to be gotten, or in respect of any

*Coal Mines Regulation.*

any tubs or skips being improperly filled, in those cases where they are filled by the getter of the mineral or his drawer, or by the person immediately employed by him; such deductions being determined in such special mode as may be agreed upon between the owner and manager of the mine on the one hand and the persons employed in the mine on the other, or by some person appointed in that behalf by the owner or manager, or (if any check-weigher is stationed for this purpose as hereinafter mentioned) by such person and such check-weigher, or, in case of difference, by a third person to be mutually agreed on by the owner or manager of the mine on the one hand and the persons employed in the mine on the other, or, in default of agreement, appointed by a Resident Magistrate within the jurisdiction of which any shaft of the mine is situate;

(2.) If any person contravenes or fails to comply with, or permits any person to contravene or fail to comply with, this section, he shall be guilty of an offence against this Act; and in the event of any such contravention or non-compliance by any person whomsoever, the owner or manager of the mine shall each be guilty of an offence against this Act, unless he proves that he had taken all reasonable means by publishing, and to the best of his power enforcing, the provisions of this section to prevent the contravention or non-compliance. Penalty.

(3.) Nothing in this Act shall be held to authorise or give any power to any owner or manager of a mine to pay miners by the method known as the standard weight system, and from and after the commencement of this Act that system shall be and is hereby abolished. "Standard weight"  
system illegal.  
N.S.W. *ibid.*, s. 38.  
(3).

(4.) Nothing in this Act shall prevent any company from making an agreement with its workmen for the system known as the "average weight" being accepted until such time as machinery can be procured to weigh the whole of the coal; such time shall not exceed a period of twelve months after the commencement of this Act for companies then at work; and all companies starting operations after such commencement shall be allowed a period not exceeding twelve months from the date of the starting of such operations to procure the necessary machinery. "Average weight"  
system not illegal.

(5.) In the case of any mine or class of mines employing not more than twenty persons underground, where it is proved to the satisfaction of the Minister to be expedient that the persons employed therein should, upon the joint representation of the owner or owners of any such mine or class of mines and the said persons, be paid by any method other than that provided by this section, the Minister may, if he think fit, by order under his hand allow the same, either without conditions or during the time and on the conditions specified in the order. Power to Ministers  
to sanction other  
methods of pay-  
ment.  
N.S.W. *ibid.*, s. 38  
(4).

*Coal Mines Regulation.*

Appointment on part of men and removal of check-weigher.

See N.S.W. 60 Vict., No. 12, s. 40.

See Vic. Nos. 50 & 51 Vict., c. 28, s. 13.

N.S.W.

13. (1.) THE persons who are employed in a mine and are paid according to the weight of the mineral gotten by them may, at their own cost, station a person (in this Act referred to as a "check-weigher") at each place appointed for the weighing of the mineral, and at each place appointed for determining the deductions, in order that he may, on behalf of the persons by whom he is so stationed, take a correct account of the weight of the mineral or determine correctly the deductions, as the case may be.

(2.) A check-weigher shall have every facility afforded him for enabling him to fulfil the duties for which he is stationed, including facilities for examining and testing the weighing machine, and checking the taring of tubs, skips, and trams where necessary (and including also the continuous weighing of the coal); and if at any time proper facilities are not afforded to a check-weigher as required by this section, the manager of the mine shall be guilty of an offence against this Act, unless he proves that he had taken all reasonable means to enforce, to the best of his power, the requirements of this section.

(3.) A check-weigher shall not be authorised in any way to impede or interrupt the working of the mine, or to interfere with the weighing, or with any of the workmen, or with the management of the mine; but shall be authorised only to fulfil the duties in the two preceding subsections mentioned, and the absence of a check-weigher from the place at which he is stationed shall not be a reason for interrupting or delaying the weighing or the determination of deductions at such place respectively, but the same shall be done or made by the person appointed in that behalf by the owner or manager, unless the absent check-weigher had reasonable ground to suppose that the weighing or the determination of the deductions, as the case may be, would not be proceeded with: Provided always, that nothing in this section shall prevent a check-weigher giving to any workman an account of the mineral contracted to be gotten by him, or information with respect to the weighing or the weighing machine, or the taring of the tubs or trams, or with respect to the deductions, or any other matter within the scope of his duties as check-weigher; so always, nevertheless, that the working of the mine be not interrupted or impeded.

(4.) If the owner or manager of the mine desires the removal of a check-weigher on the ground that the check-weigher has impeded or interrupted the working of the mine, or interfered with the weighing or with any of the workmen or with the management of the mine, or has, at the mine, to the detriment of the owner or manager, done anything beyond taking such account determining such deductions or giving such information as aforesaid, the owner or manager may complain to the nearest Court of petty sessions, who, if of the opinion that the owner or manager shows sufficient  
*prima*

*Coal Mines Regulation.*

*prima facie* ground for the removal of the check-weigher, shall call on the check-weigher to show cause against his removal.

(5.) On the hearing of the case, the Court shall hear the parties, and if the Court thinks that, at the hearing, sufficient ground is shown by the owner or manager to justify the removal of the check-weigher, shall make a summary order for his removal, and the check-weigher shall thereupon be removed, but without prejudice to the stationing of another check-weigher in his place.

(6.) The Court may, in every case, make such order as to the costs of the proceedings as the Court may think just.

(7.) If in pursuance of any order of exemption made by the Minister, the persons employed in a mine are paid by the measure or gauge of the material gotten by them, the provisions of this Act shall apply in like manner as if the term "weighing" included measuring and gauging, and the terms relating to weighing shall be construed accordingly.

(8.) If the miners consider that the person appointed by the owner or manager improperly interferes with or alters the weighing machine or the tare in order to prevent a correct account being taken of the weighing and taring, they may complain to the owner or manager, and, if the owner or manager fails to remedy such complaint, the miners may then complain to the nearest Court of petty sessions, who, if of opinion that the miners show sufficient *prima facie* ground for the removal of the weigher, shall call on the weigher to show cause against his removal.

(9.) On the hearing of the case, the Court shall first hear the parties, and if the Court thinks that, at the hearing, sufficient ground is shown by the owner or manager to justify the removal of the weigher, shall make a summary order for his removal, and the weigher shall thereupon be removed, but without prejudice to the stationing of another weigher in his place.

(10.) The Court may, in every case, make such order as to the costs of the proceedings as the Court may think just.

14. WHERE a check-weigher has been appointed by the majority, ascertained by ballot, of the persons employed in a mine who are paid according to the weight of the mineral gotten by them, and has acted as such, he may recover from any person for the time being employed at such mine, and so paid, his proportion of the check-weigher's wages or recompense, notwithstanding that any of the persons by whom the check-weigher was appointed may have left the mine or others have entered the same since the check-weigher's appointment, any rule of law or equity to the contrary notwithstanding.

Remuneration of  
check-weigher.

See N.S.W. 60  
Vict., No. 12, s. 41.

See Vic. 50 & 51  
Vict., c. 58, s. 14.

*Coal Mines Regulation.*

Application of  
Weights and Measures  
Act to weights,  
etc., used in mines.  
See N.S.W., 60 Vict.,  
No. 12, s. 42.  
See Vic. 50 & 51,  
c. 58, s. 15.

**15.** (1.) THE Weights and Measures Act, 1899, and any Acts from time to time amending the same, shall apply to all weights, balances, scales, and weighing machines used at any time for determining the wages payable to any person employed in the mine according to the weight of the mineral contracted to be gotten by him, in like manner as it applies to weights, balances, scales, and weighing machines used for trade.

(2.) An inspector of weights and measures appointed under the said Act shall, once at least in every six months, inspect and test, by standard weight, in manner directed by the said Act, the weights, balances, scales, and weighing machines used, or in the possession of any person for use as aforesaid at any mine within his district; and shall also make such inspection and examination at any other time in any case where he had reasonable cause to believe that there is in use at the mine any false or unjust weight, balance, scale, or weighing machine.

(3.) The inspector of weights and measures shall also inspect and examine the measures and gauges in use at the mines within his district.

(4.) An inspector of weights and measures may, for the purposes of this section, exercise at or in any mine, as respects all weights, measures, scales, balances, and weighing machines used or in the possession of any person for use at or in that mine, all such powers as he could exercise under the Weights and Measures Act, 1899, and any Acts amending the same, with respect to any weights, measures, scales, balances, beams, or other weighing machines as herein mentioned; and all the provisions of sections forty-eight and fifty-six of the said Act, including the liabilities as to penalties, shall apply to such inspection.

(5.) The inspector of weights and measures shall not, in fulfilling the duties required of him under this section, impede or obstruct the working of the mine.

*Single Shafts, Tunnels, or Outlets.*

Prohibition of  
single shafts,  
tunnels, or outlets.

**16.** (1.) THE owner or manager of a mine shall not employ any person in the mine, or permit any person to be in the mine for the purpose of employment therein, unless the following conditions respecting shafts, tunnels, or outlets are complied with (that is to say):—

See Vic. 60 Vict.,  
No. 12, s. 43.  
N.S.W., 50 & 61  
Vict., c. 58, s. 16.

- (a.) There must be at least two shafts, tunnels, or outlets with which every seam for the time being at work in the mine shall have a communication, so that such shafts, tunnels, or outlets shall at all times afford separate means of ingress and egress available to the persons employed in every such seam  
whether

*Coal Mines Regulation.*

whether the shafts, tunnels, or outlets belong to the same mine or to more than one mine. The second shaft, tunnel, or outlet shall not be required to be commenced until one year after coal has been struck in the first shaft, tunnel, or outlet; and mines at work at the commencement of this Act shall not be required to commence the second shaft, tunnel, or outlet until six months after such commencement; and when the second shaft or tunnel is commenced, work shall be carried on continuously with not less than three shifts of an adequate number of men.

- (b.) Such shafts, tunnels, or outlets must not at any point be nearer to one another than twenty yards; and there shall be between such two shafts, tunnels, or outlets a communication not less than five feet wide and six feet high; the roads between such shafts, tunnels, or outlets shall at all times be kept clear of any obstruction.
- (c.) Proper apparatus for raising and lowering persons at each such shaft or outlet shall be kept on the works belonging to the mine, and such apparatus, if not in actual use at the shafts or outlets, shall be constantly available for use.
- (d.) In all working shafts there shall be provided a steam engine or other power approved by the inspector, with winding plant provided with a cage or cages with suitable safety appliances to prevent the fall of the cage or cages down the shaft, and with suitable appliances to prevent overwinding. No steam machinery shall be required on winzes, but inclined ladders, with platforms at not more than thirty feet apart from the top to the bottom of winzes, shall be fixed.

(2.) Every owner or manager of a mine who acts in contravention of or fails to comply with this section shall be guilty of an offence against this Act.

(3.) The Supreme Court or a Judge thereof, whether any other proceedings have or have not been taken, may, on the application of or on behalf of the Attorney General, prohibit by injunction the working of any mine in which any person is employed, or is permitted to be for the purpose of employment, in contravention of this section, and may award such costs in the matter of the injunction as the Court or Judge thinks just; but this provision shall be without prejudice to any other remedy permitted by law for enforcing the provisions of this Act.

(4.)



*Coal Mines Regulation.*

(4.) Written notice of the intention to apply for such injunction in respect of any mine shall be given to the owner or manager of the mine not less than fourteen days before the application is made.

Exceptions from provisions as to shafts.

See N.S.W., 60 Vict., No. 12, s. 45.

See Vic. 50 & 51 Vict., c. 58, s. 18.

**17.** THE foregoing provisions of this Act with respect to shafts, tunnels, or outlets, shall not apply:—

(1.) In the case of a new mine being opened—

(a.) To any new working for the purpose of making a communication between two or more shafts, tunnels, or outlets, or

(b.) To any working for the purpose of searching for or proving minerals,

so long as not more than twenty persons are employed below ground at any one time in the whole of the different seams in connection with a single shaft, tunnel, or outlet; nor

(2.) To any proved mine, so long as it is exempted by order of the Minister, on the ground either—

(a.) That the quantity of mineral proved is not sufficient to repay the outlay which would be occasioned by sinking or making a second shaft, tunnel, or outlet, or by establishing communication with a second shaft, tunnel, or outlet, in any case where such communication existed and has become unavailable; or

(b.) That the workings in any seam of the mine have reached the boundary of the property or the extremity of the mineral field of which that seam is a part, and that it is expedient to work away the pillars already formed in course of the ordinary working; but no pillars shall be taken out that will cause the communication to be cut off from both outlets; nor

(3.) To any mine—

(a.) While a shaft is being sunk, or a tunnel or an outlet being made; or

(b.) One of the shafts, tunnels, or outlets of which has become, by reason of some accident, unavailable for the use of the persons employed in the mine; or

so long as the mine is exempted by order of the Minister and as the conditions (if any) annexed to the order of exemption are duly observed.

*Coal Mines Regulation.*

18. (1.) THE foregoing provisions of this Act, requiring any two shafts, tunnels, or outlets of a mine to be separated by a distance of not less than twenty yards, shall not apply to any mine which is provided with two shafts sunk (or two tunnels or outlets made) before the commencement of this Act, but at that time separated by a distance of not less than ten feet, or commenced to be sunk or made before the commencement of this Act, but separated by a distance of more than ten feet and less than twenty yards.

Non-application of provisions as to distance between two shafts, etc.

See *ibid.* s. 45 (3.)

*Ibid.*, s. 18 (3.)

(2.) The foregoing provisions of this Act as to the dimensions of the communication between two shafts, tunnels, or outlets shall not apply to any mine or class of mines so long as the same is exempted therefrom by order of the Minister by reason of the thinness of the seams or other exigencies affecting that mine or class of mines, and so long as the conditions (if any) annexed to the order of exemption are duly observed.

Non-application of provisions as to dimensions of communication between two shafts, etc.

19. NO person shall be precluded by any agreement from doing such acts as may be necessary for providing a second shaft, tunnel, or outlet to a mine where the same is required by this Act, or be liable under any contract to any penalty or forfeiture for doing such acts as may be necessary in order to comply with the provisions of this Act with respect to shafts, tunnels, or outlets.

Agreements not to preclude compliance with Act.

See N.S.W. 60 Vict., No. 12, s. 44.

Vic. 50 & 51 Vict., c. 58., s. 17.

*Division of Mine into parts.*

20. (1.) WHERE two or more parts of a mine are worked separately, the owner or manager of the mine shall give notice in writing to that effect to the inspector of the district, and thereupon each such part shall, for all the purposes of this Act, be deemed to be a separate mine as noted on the plan.

Division of mine into parts.

See *ibid.*, s. 46.

See *ibid.*, s. 19.

(2.) If the inspector is of opinion that the division of a mine, in pursuance of this section, tends to lead to evasion of the provisions of this Act, or otherwise to prevent the carrying of this Act into effect, he may object to the division by a notice served on the owner or manager of the mine; and the owner or manager, if he declines to acquiesce in such objection, may, within twenty days after receipt of the notice, send a notice to the inspector of the district stating that he declines so to acquiesce, and thereupon the matter shall be finally and conclusively determined by the Minister, after giving all parties interested an opportunity of being heard by him.

*Certificate of Managers.*

21. (1.) EVERY mine shall be under a manager, who shall be responsible for the control, management, and direction of the mine, and all the machinery and plant used in connection therewith; and the owner of every mine shall nominate himself or some other person

Appointment of manager of mine.

See *ibid.*, s. 2.

See *ibid.*, s. 20.

*Coal Mines Regulation.*

person to be the manager of such mine, and shall send written notice to the Minister and to the inspector of the district of the manager's name and address.

(2.) A person shall not be qualified to be a manager of a mine unless he is for the time being registered as the holder of a first-class certificate under this Act.

(3.) If any mine is worked for more than fourteen days without there being such a manager for the mine as is required by this section, the owner of the mine shall, on conviction, be liable to a penalty not exceeding Fifty pounds, and to a further penalty not exceeding Five pounds for every day during which the mine is so worked after any conviction.

Provided that—

- (a.) The owner of the mine shall not be liable to any such penalty if he proves that he had taken all reasonable means, by the enforcement of this section, to prevent the mine being worked in contravention of this section ; and
- (b.) If at the commencement of this Act, for any reasonable cause, there is for the time being no manager of a mine qualified as required by this section, the owner of the mine may appoint any competent person not holding a certificate under this Act to be manager, for a period not exceeding two months ; and
- (c.) At the expiration of six months after the commencement of this Act, no manager shall be allowed to take charge of a mine without having a certificate from the said Board.

The Board may, subject to regulations, issue a first-class certificate of competency to any person who has received a certificate of competency as a colliery manager from—

- (a.) Any legally constituted Board of Examiners for colliery managers in any of the Australasian States, or from
- (b.) Any authority by whom an examination (equivalent to that required by the Board) to test the qualifications of candidates is required prior to the granting of such certificate, provided that such person is still entitled to practise as a colliery manager in the State or country wherein he obtained such certificate.
- (c.) The Board may refuse a certificate of any class to any applicant if it is not satisfied as to his character.

*Coal Mines Regulation.*

**22.** (1.) IN every mine required by this Act to be under the control of a certificated manager, daily personal supervision shall be exercised either by the manager or by an under-manager or overman nominated in writing by the owner or manager of the mine.

Daily supervision  
of mine by manager  
or under-manager.

(2.) Every person nominated must hold either a first-class or second-class certificate under this Act, and shall, in the absence of the manager, have the same responsibility and be subject to the same liabilities as the manager under this Act.

See N.S.W. 60  
Vict., No. 12, s. 3.  
Vic. 50 & 51.  
Vict., c. 58, s. 21.

*Board of Examiners for Mining Managers, Under-managers, and Overmen.*

**23.** FOR the purpose of granting certificates of competency and of service for the purposes of this Act, there shall be a Board of Examiners, consisting of not more than three members and a secretary, who shall be appointed and may be removed by the Governor in Council, and shall hold office during his pleasure.

Constitution of  
Board of Examiners.  
Comp. N.S.W. 60  
Vict., No. 12, s.  
5 (2).

Appointment and  
removal of Board.

**24.** (1.) THERE shall be two descriptions of certificates of competency under this Act:

(a.) First-class certificates, that is to say, certificates of fitness to be manager; and

(b.) Second-class certificates, that is to say, certificates of fitness to be under-manager or overman; but no person shall be entitled to a certificate under this Act unless he shall have had practical experience in coal mines for at least five years.

Certificates of  
competency of  
managers and  
under-managers.  
See N.S.W. 60 Vict.  
No. 12, s. 5.  
See Vic. 50 & 51  
Vict., c. 58, s. 23.

(2.) The Board of Examiners shall grant a first-class certificate of service to every person who furnishes to the said Board satisfactory evidence that he has acted in the capacity of inspector of mines or manager of a coal mine or coal mines for two years, within a period of five years immediately prior to the commencement of this Act, and such first-class certificate shall confer the same privileges as a first-class certificate of competency.

First-class certifi-  
cate of service for  
managers.

(3.) The Board shall grant a second-class certificate of service to every person who satisfies the Board either that before the commencement of this Act he was exercising, and has since that date exercised, or that he has, at any time within five years immediately before such commencement, exercised for not less than two years, functions substantially corresponding to those of an under-manager, or overman, in a mine.

Second-class cer-  
tificate of service  
for under-managers.  
See *ibid.*, s. 8.  
See *ibid.*, s. 80.

(4.) Every certificate of service shall contain particulars of the name, place, and time of birth, and the length and nature of the previous service of the person to whom the same is delivered, and a certificate of service shall be refused to any person who fails to give a full and satisfactory account of the particulars aforesaid.

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Proceedings and  
powers of Board.  
See *ibid.*, s. 6.  
See *ibid.*, ss. 24-26.

**25.** (1.) THE proceedings of the Board and the fees to be paid by applicants for examination or certificates of service shall be in accordance with such regulations as may be made for the purpose by the Governor in Council.

(2.) The Board shall, from time to time, conduct the examinations of applicants for certificates of competency or service under this Act, partly in writing and orally, and the Board shall issue certificates to the successful applicants, and the Governor in Council may make regulations as to the conduct of such examinations and the qualifications of the applicants, so however that in every such examination regard shall be had to such knowledge as is necessary for the practical working of mines, and that the examination and qualifications of applicants for second-class certificates shall be suitable for practical working miners.

(3.) The Board shall from time to time make to the Minister a report of their proceedings, and of such other matters as the Minister may at any time require.

(4.) A register of the holders of such certificates shall be kept by the Board.

Inquiry into com-  
petency of manager,  
and cancellation of  
certificate in case of  
unfitness.

See N.S.W. 60 Vict.,  
No. 12, s. 10.

See Vic. 50 & 51,  
c. 58, s. 27.

**26.** IF at any time representation is made to the Minister by an inspector or otherwise that any manager, under-manager, or overman holding a certificate under this Act is incapable, incompetent, or unfit to discharge his duties, or has been convicted of an offence against this Act, the Minister may, if he thinks fit, cause inquiry to be made by the Board of Examiners into the conduct of the manager, under-manager, or overman, and with respect to every such inquiry the following provisions shall have effect:—

(a.) The inquiry shall be held at such time and place as the Board may appoint; the manager, under-manager, or overman to have the right to engage counsel to defend him at such inquiry. He shall receive twenty-one days' notice of the Board's intention to hold the inquiry, and if the manager, under-manager, or overman intends to employ counsel, he shall give ten days' notice of such intention to the secretary of the Board.

(b.) The Board shall, at least ten days before the commencement of the inquiry, furnish to the manager, under-manager, or overman a statement of the case upon which the inquiry is instituted.

(c.) The manager, under-manager, or overman shall attend such inquiry and may produce such evidence as may be considered necessary.

(d.)

*Coal Mines Regulation.*

- (d.) The Board shall, upon the conclusion of the inquiry, forward to the Minister a report containing a full statement of the case and their opinion thereon; and the Governor, on the recommendation of the Minister, may either cancel or suspend such certificate.
- (e.) Any person shall, if ordered in writing so to do by the Minister, deliver into the charge of the said Board his certificate of competency or of service, which shall be retained by the said Board during the period of his disqualification, and no such person shall during the period of such disqualification take charge of any mine, and any manager failing or neglecting to comply with this order shall be guilty of an offence against this Act; and
- (f.) Persons attending as witnesses before the Board shall be allowed such expenses as would be allowed to witnesses in a criminal case at the Supreme Court:

**27.** (1.) THE Board of Examiners may make such order as it thinks fit respecting the costs and expenses of the inquiry, and such order shall, on the application of any party entitled to the benefit thereof, be enforced by any Court of summary jurisdiction as if such costs and expenses were a penalty imposed by that Court.

Cost and expenses of inquiry.

See *ibid.*, s. 11.

See *ibid.*, s. 28.

(2.) The party entitled to the benefit of such order shall be entitled to obtain from the Board a certified copy thereof.

**28.** WHERE a certificate of a manager, under-manager, or overman is altered, suspended, or cancelled in pursuance of this Act, the alteration, suspension, or cancellation shall be recorded in the register of holders of certificates, and shall be notified by the Board to the Minister.

Record and cancellation of certificate; restoration in certain cases.  
See N.S.W. 60 Vict. No. 12, s. 12.  
See Vic. 50 & 51 Vict., c. 58, s. 29.

**29.** WHENEVER any person proves to the satisfaction of the Minister that he has, without fault on his part, lost any certificate granted to him under this Act, the Minister may, on payment of such fee (if any) as the regulations direct, cause a copy of the certificate to which the applicant appears by the register to be entitled to be made out and certified by the person who keeps the register and delivered to the applicant; and any copy which purports to be so made and certified as aforesaid shall have all the effect of the original certificate.

Copy of certificate in case of loss.  
See *ibid.*, s. 13.  
See *ibid.*, s. 30.

**30.** EVERY person who commits any of the following offences (that is to say):—

Forgery, misrepresentation, etc.

- (1.) Forges or counterfeits, or knowingly makes any false statement in any certificate of competency under this Act

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Act, or in any certificate of service granted under this Act, or any official copy of any such certificate; or

- (2.) Knowingly utters or uses any such certificate or copy which has been forged or counterfeited or contains any false statement, or knowingly makes use of or attempts to make use of any certificate of competency or service granted to some other person; or
- (3.) For the purpose of obtaining for himself or any other person employment as a certificated manager, under-manager, or overman, or the grant, renewal, or restoration of any certificate under this Act, or a copy thereof, either—
  - (a.) Makes or gives any declaration, representation, statement, or evidence which is false in any particular; or
  - (b.) Knowingly utters, produces, or makes use of any such declaration, representation, statement, or evidence, or any document containing the same,

shall be guilty of a misdemeanour and be liable on conviction to imprisonment for any term not exceeding two years.

*Board of Examiners for Engine-drivers in Coal Mines.*

Board of Examiners  
for engine-drivers.

~~31.~~ THE Governor may from time to time appoint, remove, or re-appoint two or more persons (one of whom shall be a qualified engineer, and one a certificated engine-driver) to act as a Board of Examiners for any mining district, to hold examinations, and to examine any persons who desire to qualify themselves as engine-drivers; and such Board, when satisfied of the skill and competence of any candidate, and that he is not subject to any physical infirmity, such as deafness, defective vision, or epilepsy, which would render him unfit, may grant him a first or second-class certificate of competency in the manner prescribed by the Regulations.

Certificates of service for engine-drivers.

32. THE said Board shall grant a certificate of service to every person who furnishes to the said Board satisfactory evidence that he has been in charge of, and has efficiently managed upon a mine of any description, machinery worked by steam, for a period of twelve months prior to the passing of this Act; providing such board is satisfied that the candidate is then not subject to any physical infirmity, such as deafness, defective vision, or epilepsy, which would render him unfit, and such certificate shall confer the same privileges as a first or second-class certificate of competency, as may be decided by the Board, and the Board, or any member thereof, may grant a learner's permit certificate to any person, in accordance

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accordance with the regulations, after being satisfied as to the applicant's fitness to become a learner, and such certificate shall entitle the holder to become a learner under a certificated engine-driver and assist in driving any engine for mining purposes other than a winding engine.

**33.** WHERE an engine-driver holding a certificate equivalent to one of the first or second-class under this Act has had no opportunity of presenting himself to the Board for examination, the Board, or any member thereof, on being satisfied as to the experience of such engine-driver, may grant him an interim certificate of the first or second-class, as the case may be, which shall operate accordingly until the day next afterwards appointed for the examination of engine-drivers.

Interim engine-drivers' certificates.

**34.** EVERY first-class and second-class certificate of competency or service issued under the Mines Regulation Act, 1895, shall be equivalent to a similar certificate of competency or service granted under this Act.

Certificates under Mines Regulation Act, 1895.

**35.** ANY person holding a certificate of competency or of service under this Act, or under the Mines Regulation Act, 1895, as an engine-driver, and who is charged with any offence or misconduct likely to be detrimental to the proper or efficient discharge of his duties, may be called upon by the Board of Examiners to show cause why he should not be disqualified as a certificated engine-driver; and if he fails to satisfy the said Board, his certificate may be cancelled by the Governor, or he may be disqualified by the Governor for any period from acting as an engine-driver, and such disqualification shall be notified in the *Government Gazette*; and every such person shall, after such notice, deliver into the charge of the said Board his certificate of competency or of service, which shall be retained by the said Board during the period of his disqualification; and no such person shall, during the period of such disqualification, take charge of any machinery in which steam, water, air, gas, oil, or electricity, or any two or more of them, are used as motive power.

Penalty on unqualified person taking charge of machinery.

**36.** FROM the date of the commencement of this Act every person who, in the place to which this Act has been so applied—

Person having charge of machinery etc., without certificate.

- (a.) Without holding a first-class certificate of competency, or a certificate by this Act made equivalent thereto, takes or has charge of any winding machinery in which steam, water, air, gas, oil, or electricity, or any two or more of them are used as the motive power by which men or materials are raised or lowered in any shaft; or

(b.)



*Coal Mines Regulation.*

- (b.) Without holding a first or second-class certificate of competency, or a certificate by this Act rendered equivalent thereto, takes or has charge of any machinery worked by steam, water, air, gas, oil, or electricity, or any two or more of them ; or
- (c.) Every manager or owner who acts in contravention of or fails to comply with this section,
- shall be guilty of an offence against this Act: Provided that sinking pumps and boring and coal-cutting machines shall not be deemed machinery within the meaning of this section.

*Returns, Plan, Notices, and Abandonment.*

Returns by owner, agent, or manager of mine.

See N.S.W. 60 Vict., No. 12, s. 27.

See Vic. 50 & 51 Vict., c. 58, s. 33.

**37.** (1.) ON or before the fifth day of every month, the owner or manager of every mine shall send to the inspector of the district, on behalf of the Minister, a correct return in duplicate with respect to the preceding month, particulars as to the name and situation of the mine, the names and descriptions of the owner, manager, and overmen, the number of persons ordinarily employed therein, and the quantity of mineral gotten or wrought and the value of same, and such return shall contain such other particulars and be in such form as may from time to time be prescribed by the regulations.

(2.) The inspector shall forward every return received by him to the Minister, who may publish the aggregate results of the returns made under this section with respect to any particular district, or any large portion of a district.

(3.) Every owner or manager of a mine who fails to comply with this section, or makes any return which is false in any particular, shall be guilty of an offence against this Act.

Plan of mine to be kept at office.

See N.S.W. 60 Vict., No. 12, s. 28.

See Vic. 50 & 51 Vict., c. 58, s. 34.

**38.** (1.) THE owner or manager of every mine shall keep, in the office at the mine, an accurate plan of the workings of the mine, showing the workings up to a date not more than one month previously, and the general direction and rate of dip of the strata, together with a section of the strata sunk through, or if that be not reasonably practicable, a statement of the depth of the shaft, with a section of the seam; and in addition to the abovementioned plan, there shall also be provided a tracing of a surface plan on the same scale, showing thereon all streets, roads, buildings, creeks, rivers, bays, swamps, navigable waters, and depths of same, and limits of any tidal waters within the boundaries of the property; and at any time when required to do so by the Minister, such owner or manager shall furnish the Minister with a copy of every such plan, section, or statement.

(2.) The owner or manager of the mine shall, on request at any time of an inspector, produce to him at the office at the mine such plan and section, and shall also, on the like request, mark on such

*Coal Mines Regulation.*

such plan and section the state of the workings of the mine complete to the date of the said request; and the inspector shall be entitled to inspect the plan and section, and, for official purposes only, to make a copy of any part of such plan and section respectively.

(3.) If the owner or manager of any mine fails to keep, or refuses to produce or allow to be examined or copied, the plan and section aforesaid, or wilfully withholds any portion thereof, or wilfully refuses, on request, to mark thereon the state of the workings of the mine, or conceals any part of those workings, or produces an imperfect or inaccurate plan or section, he shall, unless he shows that he was ignorant of the concealment, imperfection, or inaccuracy, be guilty of an offence against this Act; and further, the inspector may by notice in writing (whether a penalty for the offence has or has not been inflicted) require the owner or manager to cause to be made within a reasonable time, at the expense of the owner of the mine, an accurate plan and section, showing the particulars hereinbefore required. Every such plan must be on a scale of not less than one inch to two chains.

(4.) If the owner or manager fails, within twenty days after the requisition of the inspector, or within such time as may be allowed by the Minister, to cause such plan and section to be made as hereby required, he shall be guilty of an offence against this Act.

**39.** THE manager of every mine shall enforce the observance of the provisions of this Act in and upon the mine under his charge, and shall, as soon as practicable after the occurrence thereof, report in writing to the nearest inspector or, in the absence of the inspector, to the Registrar any offence against this Act which has been committed in or on the mine, whether the person committing it was or was not employed in the work of the mine; and in the event of the contravention of or non-compliance with this Act in or upon any mine, by any person, the manager of such mine shall be guilty of an offence against this Act.

Duties and responsibility of manager.

(2.) Provided that such manager shall not be deemed guilty of such offence if he proves to the satisfaction of the Court that he has taken all reasonable means of enforcing the provisions of this Act, and of preventing such contravention or non-compliance.

(3.) But the manager shall supervise all work carried out by contract in the mine, and shall be responsible for any offence against this Act committed by any contractor or his workmen, unless he shall prove that he had taken all reasonable means to prevent such offence, and had reported the same to the nearest inspector or, in the absence of the inspector, to the Registrar immediately after it came to his knowledge.

(4.)

*Coal Mines Regulation.*

- (4.) Every owner or manager who fails to act in compliance with this section shall be guilty of an offence against this Act.

**40.** IN any of the following cases, namely:—

Notice to be given of opening and abandonment of mine.

See *ibid.*, s. 30.  
*Ibid.*, s. 36.

- (a.) Where any working is commenced for the purpose of opening a new shaft or a seam of any mine;
- (b.) Where a shaft or seam of any mine is abandoned or the working thereof discontinued;
- (c.) Where the working of a shaft or a seam of any mine is recommenced after any abandonment or discontinuance for a period exceeding two months; or
- (d.) Where any change occurs in the name of any mine or in the name of the owner or manager of any mine or of any company which is the owner of a mine,

the owner or manager of the mine shall give notice thereof to the inspector of the district within two weeks prior to the commencement, abandonment, or discontinuance, recommencement, or change; and if such notice is not given, the owner and manager shall each be guilty of an offence against this Act.

**41.** (1.) WHERE any mine is abandoned or the working thereof discontinued, at whatever mine the abandonment or discontinuance occurred, the owner thereof shall cause the top of every shaft and every side entrance from the surface to be and to be kept securely fenced for the prevention of accidents.

Fencing in case of abandoned mine.

See N.S.W. 60  
Vict., No. 12, s. 31.  
See Vic. 50 & 51  
Vict., c. 58 s. 37.

Provided that,—

- (a.) Subject to any contract to the contrary, the owner of the mine shall, as between himself and any other person interested in the minerals of the mine, be liable to carry into effect this section, and to pay any costs, charges, and expenses incurred by any other person interested in the minerals of the mine in carrying this section into effect;
- (b.) Nothing in this section shall exempt any person from any liability under any other Act, or otherwise.
- (2.) If any person fails to act in conformity with this section, he shall be guilty of an offence against this Act.
- (3.) No person shall be precluded by any agreement from doing, or be liable under any contract to any damages, penalty, or forfeiture for doing such acts as may be necessary in order to comply with the provisions of this section.

(4.)

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(4.) If any occupier of land or other person obstructs the owner of a mine or other person interested as aforesaid in doing any such acts, he shall be guilty of an offence against this Act.

(5.) Any shaft or side entrance of any abandoned mine which is not fenced as required by this section, and is within fifty yards of any highway, road, footpath, or place of public resort, or is in open or unenclosed land, shall be deemed to be and may be dealt with as a nuisance within the meaning of the Public Health Act, 1898, and any Acts amending the same.

**42.** (1.) WHERE any mine or seam is abandoned, the owner of the mine or seam at the time of its abandonment shall, within fourteen days after the abandonment, send to the inspector of the district, on behalf of the Minister, an accurate plan showing the boundaries of the workings of the mine or seam up to the time of the abandonment, and the position of the workings with regard to the surfaces and the general direction and rate of dip of the strata, together with a section of the strata sunk through, or if that is not reasonably practicable, a statement of the depth of the shaft with a section of the seam. Every such plan or section shall be on such scale as may be from time to time prescribed by the Minister.

Plan of abandoned mine or seam to be sent to Minister.

See N.S.W. 60 Vict., No. 12, s. 32.

See Vic. 50 & 51 Vict., c. 58, s. 38.

(2.) Such plan and section shall be preserved under the care of the Minister. Any person shall, by permission of the Minister, be permitted at any time to examine the plan and section of the underground workings of any mine so abandoned.

(3.) The owner aforesaid shall also, within fourteen days of the abandonment of the mine or seam, send to the inspector of the district, on behalf of the Minister, a correct return, specifying, with respect to the period which has elapsed since the expiration of the month covered by the last monthly return made under this Act, the particulars required in that return; and the provisions of this Act with respect to the said monthly return shall apply to the return so sent.

(4.) If the owner of a mine or seam fails to comply with this section, he shall be guilty of an offence against this Act.

(5.) A complaint or information of an offence under this section may be made or laid at any time within two months after abandonment of the mine or seam, or after service on the owner aforesaid of a notice to comply with the requirements of this section, whichever last happens.

*Inspection.*

**43.** (1.) SUBJECT to the provisions of the Public Service Act, the Governor in Council may appoint any fit persons qualified to obtain first-class certificates of competency to be inspectors of mines, under whatever title he may from time to time fix, and may remove any such inspector.

Appointment of inspectors of mines.

(2.)

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(2.) Notice of the appointment of every such inspector shall be published in the *Government Gazette*.

(3.) No inspector under this Act shall be allowed to hold any interest whatever in any coal mine in Western Australia.

**44.** (1.) AN inspector under this Act shall have power to do all Powers of inspec- or any of the following things, namely:—  
tors.

See N.S.W. 60 Vict.,  
No. 12, s. 19.

See Vic. 50 & 51  
Vict., c. 58, s. 41.

- (a.) To make such examination and inquiry as may be necessary at any time to ascertain whether the provisions of this Act and any regulations thereunder relating to matter above ground or below ground are complied with in the case of any mine, and the machinery and plant in connection therewith;
- (b.) To enter, inspect, and examine any mine and every part thereof at all reasonable times, by day and night, but so as not to impede or obstruct the working of the mine;
- (c.) To examine into and make inquiry respecting the state and condition of any mine or any part thereof, and the machinery and plant in connection therewith, and the ventilation of the mine, and the sufficiency of the special rules for the time being in force in the mine, and the machinery and plant in connection therewith, and all matters and things connected with or relating to the safety of the persons employed in or about the mine, or any mine contiguous thereto, or the care and treatment of the horses and other animals used in the mine; and
- (d.) To initiate and conduct prosecutions for offences against the provisions of this Act.
- (e.) To appear at all inquiries and inquests held respecting mining accidents, and, if he thinks fit, to call and examine and cross-examine witnesses.
- (f.) To exercise any such powers as may be necessary for carrying this Act into effect.
- (g.) A representative of the Miners' Association of the district, or of the employer, may be present at any inquiry, and may put questions to any witness as to the cause of the accident.

(h.)

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(h.) A personal representative of the relatives of any person killed or injured in consequence of any such accident may be present at any inquiry, and may put questions to any witness as to the cause of the accident.

(2.) Every person who wilfully obstructs any inspector in the execution of his duty under this Act, and every owner or manager of a mine who refuses or neglects to furnish to the inspector the means necessary for making any entry, inspection, examination, or inquiry under this Act, in relation to the mine, shall be guilty of an offence against this Act.

(3.) Whenever any mining inspector shall have inspected any mine, he shall enter in a book, to be kept on that mine for the purpose by the manager, his opinion, derived from such inspection, of the actual condition of the mine and machinery thereon at the time of such inspection.

45. (1.) IF in any respect, which is not provided against by any express provision of this Act or by any special rule, any inspector finds any mine or any part thereof, or the machinery and plant in connection therewith, or any matter, thing, or practice in or connected with any such mine, or with the control, management, or direction thereof by the manager, to be dangerous or defective, so as in his opinion to threaten or tend to the bodily injury of any person, he shall order the manager to at once do such works as will in his opinion remove such danger or defect; he shall also give notice in writing thereof to the owner or manager of the mine, and shall state in the notice the particulars in which he considers the mine or any part thereof, or the machinery and plant in connection therewith, or any matter, thing, or practice, to be dangerous or defective, and require the same to be remedied; and unless the same be forthwith remedied shall also report the same to the Minister.

Notice by inspector of causes of danger not expressly provided against.

See *ibid.*, s. 20.

*Ibid.*, s. 42.

(2.) If the owner or manager of the mine objects to remedy the matter complained of in the notice, he may forthwith, on receipt of the notice, send his objection in writing, stating the grounds thereof, to the Minister, who may finally and conclusively determine such matter as he may think fit, or he shall decide that the matter shall be determined by arbitration in the manner provided in this Act, and the date of such decision shall be taken to be the date of the reference.

Arbitration.

(3.) If the owner or manager fails, when no objection is sent as aforesaid, to comply with the requisition of the notice within ten days after the expiration of the time for objection, or when there has been a determination by the Minister or an arbitration to comply therewith within the time fixed by the Minister or the award, he shall

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shall be guilty of an offence against this Act, and the notice and determination shall respectively be deemed to be written notice of the offence.

(4.) In any proceeding for any offence, the Court, if satisfied that the owner or manager has taken active measures for complying with the notice or determination, but has not with reasonable diligence been able to complete the works, may adjourn any proceedings taken before them for punishing the offence, and if the works are completed within a reasonable time, no penalty shall be inflicted, but costs may be awarded.

(5.) No person shall be precluded by any agreement from doing, or be liable under any contract to any damages, penalty, or forfeiture for doing such acts as may be necessary in order to comply with the provisions of this section.

*Arbitration.*

**46.** WITH respect to arbitrations under this Act, the following provisions shall have effect, namely:—

Provisions as to  
arbitration.

See N.S.W., 60 Vict.,  
No. 12, s. 25.  
Vic. 50 & 51 Vict.,  
c. 58, s. 47.

- (1.) Where the parties to the arbitration are the owner or manager of the mine on the one hand, and the Inspector of Mines on behalf of the Minister on the other, subsections one to sixteen of this section shall apply to such arbitration.
- (2.) Each of the parties to the arbitration may, within fourteen days after the date of the reference, appoint an arbitrator.
- (3.) No person shall act as umpire under this Act who is employed in, or in the management of, or is interested in the mine to which the arbitration relates.
- (4.) The appointment of an arbitrator under this section shall be in writing, and notice of the appointment shall be forthwith sent to the other party to the arbitration, and shall not be revoked without the consent of that party.
- (5.) If within the said fourteen days either of the parties fail to appoint an arbitrator, the arbitrator appointed by the other party may proceed to hear and determine the matter in difference, and in that case the award of the single arbitrator shall be final.
- (6.) If, before an award has been made, any arbitrator appointed by either party dies or becomes incapable to act, or for seven days refuses or neglects to act, the party by whom such arbitrator was appointed may appoint some other person to act in his place; and if he fail to do so within  
seven

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- seven days after notice in writing from the other party for that purpose, the remaining arbitrator may proceed to hear and determine the matter in difference, and in that case the award of the single arbitrator shall be final.
- (7.) In either of the foregoing cases where an arbitrator is empowered to act singly, or on one of the parties failing to appoint, the party so failing may, before the single arbitrator has actually proceeded in the arbitration, appoint an arbitrator, who shall then act as if no failure had occurred.
- (8.) If the arbitrators fail to make their award within twenty-one days after the day on which the last of them was appointed, or within such extended time (if any) as may have been appointed for that purpose by both arbitrators under their hands, the matter in difference shall be determined by the umpire appointed as hereinafter mentioned.
- (9.) The arbitrators, before they enter on the matter referred to them, shall appoint by writing under their hand an umpire to decide on points on which they may differ.
- (10.) If the umpire dies or becomes incapable of acting before he has made his award, or refuses to make his award within a reasonable time after the matter has been brought within his cognizance, the person or persons who appointed such umpire shall forthwith appoint another umpire in his place.
- (11.) If the arbitrators refuse or fail, or for seven days after the request of either party neglect to appoint an umpire, then, on the application of either party, an umpire shall be appointed by the Minister, and such umpire shall be a Resident Magistrate within the jurisdiction of which the mine or any shaft of the mine is situate, or a Judge of the Supreme Court.
- (12.) The decision of every umpire on the matters referred to him shall be final.
- (13.) If a single arbitrator fails to make his award within twenty-one days after the day on which he was appointed, the party who appointed him may appoint another arbitrator to act in his place.
- (14.) Arrangements shall, when practicable, be made for the matter in difference being heard at the same time before the arbitrators and the umpire.
- (15.) The arbitrators and the umpire, or any of them, may examine the parties and their witnesses on oath, and may also



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also consult any barrister and solicitor, engineer, and scientific person whom they may think it expedient to consult.

- (16.) The payment, if any, to be made to any arbitrator or umpire for his services shall be fixed by the Minister, and, together with the costs of the arbitration and award, shall be paid by the parties, or one of them, according as the award may direct. Such costs may be taxed by the taxing master of the Supreme Court, who, on the written application of either of the parties, shall ascertain and certify the proper amount thereof. The amount, if any, payable by either of the parties may, in the event of non-payment, be recovered in any Court of competent jurisdiction.

Notice of accident  
to be given to  
inspector of mines.

**47.** EVERY workman employed in or about a mine, personally knowing of an accident which shall have occurred in or about the mine, shall, as soon as possible, report to the manager or overman, and any workman who fails immediately to report the same shall be deemed guilty of an offence against this Act, and the mining manager shall forthwith, after the occurrence of any serious accident in or upon any mine attended with or without serious injury to any person, give notice thereof to the inspector, or in the absence of the inspector, to the Registrar; and any mining manager who omits to give such notice shall be deemed guilty of an offence against this Act. Upon receipt of any such notice the inspector, or in his absence any person appointed by the Registrar, shall proceed to the scene of such accident, examine the place where such accident has occurred, take down the statement of any witness of such accident, or of any person who can afford any evidence as to the cause thereof, and thereupon forward to the Registrar a full report. The Registrar shall, if he thinks it necessary, hold an inquiry into the nature and cause of the accident, and shall forward to the Minister a copy of the evidence, together with his report on the inquiry, and the Registrar shall have—

Inquiry on acci-  
dents.

- (a.) Power to require by summons signed by himself the attendance of all such persons as he thinks fit to call before him and examine for the said purpose, and for that purpose to require answers or returns to such inquiries as he thinks fit to make;
- (b.) Power to administer an oath and require any person examined to make and sign a declaration of the truth of the statements made by him in his examination;
- (c.) Persons attending as witnesses before the Court shall be allowed such expenses as would be allowed to witnesses in a case at the Petty Sessions.

(d.)

*Coal Mines Regulation.*

- (d.) Any person who without reasonable excuse, proof whereof shall lie on him, either fails after having had the conduct money to which he is entitled tendered to him to comply with any summons or requisition of a Court holding an investigation under this section, or prevents or impedes the Court in the execution of its duty, shall for every such offence be liable to a penalty not exceeding Ten pounds, and in the case of a failure to comply with a requisition for making any answer or return or producing any book, paper, or document, shall be liable to a penalty not exceeding Ten pounds for every day that such failure continues.
- (e.) The place in which an accident occasioning personal injury has occurred shall not be interfered with, except with a view of saving life or preventing further injury, until it has been examined by the inspector, or, in his absence, if demanded by any three miners engaged on the mine, or, if the Registrar so direct, by two competent persons to be appointed by him.

**48.** THE Minister may cause any special report of an inspector or any report of a Court under this Act to be made public, at such time and in such manner as he may think fit.

*Special report of inspector.*

*Coroners.*

**49.** (1.) WITH respect to Coroners' inquests on the bodies of persons whose death may have been caused by explosions or accidents in or about mines, the following provisions shall have effect:—

*Provisions as to Coroners' inquests on deaths from accidents in mines.*

- (a.) Where a coroner holds an inquest on the body of any person whose death may have been caused by any explosion or accident of which notice is required by this Act to be given to the inspector of the district, the coroner shall adjourn the inquest unless an inspector, or some person on behalf of the Minister, is present to watch the proceedings.
- (b.) The coroner, at least four days before holding the adjourned inquest, shall send to the inspector for the district notice in writing of the time and place of holding the adjourned inquest.
- (c.) The coroner, before the adjournment, may take evidence to identify the body, and may order the interment thereof.
- (d.) The inspector of the district shall, when practicable, be present at inquests and may examine witnesses and elicit evidence relative to the cause of death and to the

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the issue whether the accident was attributable to negligence or any omission to comply with the provisions of this Act.

- (e.) Any person having a personal interest in or employed in or in the management of the mine in which the explosion or accident occurred shall not be qualified to serve on the jury empanelled on the inquest; and it shall be the duty of the constable not to summon any person disqualified under this provision, and it shall be the duty of the coroner not to allow any such person to be sworn or to sit on the jury; nevertheless, whenever it is practicable, one half of the jury shall be working miners.

See *ibid.*, s. 26.  
See Vic. 50 & 51  
Vict., c. 58, s. 48, and  
No. 1514, s. 50.

- (f.) Any relative of any person whose death may have been caused by the explosion or accident with respect to which the inquest is being held, and the owner or manager of the mine in which the explosion or accident occurred, and any one person appointed by the order in writing of the majority of the workmen employed at the said mine shall be at liberty to attend and examine any witness, either in person or by his barrister and solicitor, subject nevertheless to the order of the coroner.

(2.) In this Act the word "coroner" includes deputy-coroner, and also any Justice who holds an inquest pursuant to the provisions of The Ordinance to facilitate Enquiries in the Nature of Coroners' Inquests, 1856, and any Acts amending the same.

(3.) Every person who fails to comply with any of the provisions of this section shall be guilty of an offence against this Act.

*General Rules.*

General rules.

50. (1.) THE Governor in Council may make general rules which shall, so far as is reasonably practicable, be observed in every mine.

(2.) Such rules may be made for all or any of the under-mentioned purposes, namely:—

- (a.) The ventilation of mines:
- (b.) Inspection of the condition of mines as to ventilation, and the appointment of inspecting stations in mines:
- (c.) The inspection of machinery and plant above and below ground:

(d.)

*Coal Mines Regulation.*

- (d.) The fencing of entrances:
- (e.) The withdrawal of workmen in case of danger:
- (f.) The use of certain lamps in certain places:
- (g.) The construction of safety lamps:
- (h.) The examination of safety lamps:
- (i.) The position of lamp stations:
- (j.) The use of explosives below ground:
- (k.) The position of water and bore holes:
- (l.) The providing of signalling and manholes for travelling planes worked by machinery:
- (m.) The providing of manholes for other travelling roads:
- (n.) The keeping clear of manholes:
- (o.) The dimensions of travelling roads:
- (p.) The fencing of entrances to shafts:
- (q.) The securing of shafts:
- (r.) The securing of roofs and sides:
- (s.) The nature and size of timbering:
- (t.) The prevention of over-winding:
- (u.) The use of down-cast shafts:
- (v.) The providing of safety appliances:
- (w.) The attendance of engine-drivers:
- (x.) The providing and testing of cages in shafts:
- (y.) The means of signalling for working shafts:
- (z.) The providing of gates in shafts:
- (aa.) The providing of sufficient cover overhead.
- (bb.) The employment of persons in charge of machinery:
- (cc.) The use of chains and ropes and the testing thereof:
- (dd.) The keeping of machinery in good order and condition:
- (ee.) The prevention of rope slipping on drum:
- (ff.) As to travelling in main return air ways:
- (gg.) As to brakes and indicators:
- (hh.) As to the fencing of machinery:
- (ii.) As to safety valves and gauges for boilers:
- (jj.) As to barometers and thermometers:
- (kk.) The providing of stretchers:
- (ll.) The prevention of wilful damage:
- (mm.) As to the observance of regulations:
- (nn.) As to the keeping of books and copies thereof:

(oo.)

*Coal Mines Regulation.*

(oo.) As to the employment of skilled workmen in the face of the workings:

(pp.) As to periodical inspections on behalf of workmen.

(3.) All such general rules shall be published in the *Government Gazette*, and shall take effect from a date to be named therein, and after such date shall have the force of law, and a copy thereof shall be laid before both Houses of Parliament forthwith if sitting, and, if not sitting, then within fourteen days after the commencement of next session.

(4.) Until otherwise provided by general rules made as aforesaid, the general rules set forth in the Schedule to this Act shall, so far as may be reasonably practicable, be observed in every mine.

**51.** EVERY person who contravenes or does not comply with any of the general rules shall be guilty of an offence against this Act; and in the event of any contravention of or non-compliance with any of the general rules in the case of any mine to which this Act applies by any person whomsoever, the owner or manager shall be guilty of an offence against this Act, unless he proves that he had taken all reasonable means by publishing, and to the best of his power enforcing, the said rules and regulations for the working of the mine to prevent such contravention or non-compliance.

Penalty on non-compliance with rules.

See N.S.W., 60 Vict., No. 12, s. 48.

See Vic. 50 & 51 Vict., c. 58, s. 50, No. 1514, s. 136.

*Special Rules.*

**52.** (1.) THERE shall be established in every mine such rules (referred to in this Act as special rules) for the conduct and guidance of the persons acting in the management of such mine, or employed in or about the mine, as under the particular state and circumstances of such mine may appear best calculated to prevent dangerous accidents, and to provide for the safety, convenience, and proper discipline of the persons employed in or about the mine.

Special rules for every mine.

See *ibid.*, s. 49.

See Vic. 50 & 51 Vict., c. 58, s. 51.

(2.) Such special rules when established shall be signed in duplicate by the inspector who is inspector of the district at the time the rules are established, and shall be observed in and about every such mine (including any extension thereof) in the same manner as if they were enacted in this Act.

(3.) If any person who is bound to observe the special rules established for any mine acts in contravention of, or fails to comply with any of them, he shall be guilty of an offence against this Act; and also the owner or manager of such mine shall be guilty of an offence against this Act, unless he proves that he had taken all reasonable means by publishing, and to the best of his power enforcing, the rules and regulations for the working of the mine so as to prevent such contravention or non-compliance.

(4.)

*Coal Mines Regulation.*

(4.) If special rules shall have been established for any mine, and subsequently a change occurs, either in the name of such mine or in the ownership of such mine, such special rules shall, notwithstanding the aforesaid change, be and continue to be the special rules of such mine, unless and until they shall be amended or new rules submitted therefor under the provisions of this Act.

**53.** (1.) THE owner or manager of every mine shall prepare and transmit to the inspector of the district, for approval by the Minister, special rules for the mine within three months after the commencement of this Act, or within three months after the commencement (if subject to the commencement of this Act) of any working for the purpose of opening a new mine or of renewing the working of an old mine.

*Establishment of  
new special rules*

*See N.S.W., 60  
Vict., No. 12, s. 50.*

*See Vict. 50 & 51,  
Vict. c. 58, s. 52.*

(2.) The proposed special rules, together with a printed notice specifying that any objection to the rules on the ground of anything contained therein or omitted therefrom may be sent by any of the persons employed in the mine to the inspector of the district, at his address, stated in the notice shall, during not less than two weeks before the rules are transmitted to the inspector, be posted up in like manner as is provided in this Act respecting the publication of special rules for the information of persons employed in the mine; and a certificate that the rules and notice have been so posted up shall be sent to the inspector, with two copies of the rules signed by the person sending the same.

(3.) If the rules are not objected to by the Minister within forty days after their receipt by the inspector, they shall be established.

**54.** (1.) IF the Minister is of opinion that the proposed special rules so transmitted, or any of them, do not sufficiently provide for the prevention of dangerous accidents in the mine, or for the safety or convenience of the persons employed in or about the mine, or are unreasonable, he may, within forty days after the rules are received by the inspector, object to the rules, and propose to the owner or manager, in writing, any modifications in the rules by way either of omission, alteration, substitution, or addition.

*The Minister may  
object to special  
rules.*

*See *ibid.*, s. 51.*

*Ibid.*, s. 53.

(2.) If the owner or manager does not, within twenty days after the modifications proposed by the Minister are received by him, object in writing to them, the proposed special rules, with those modifications, shall be established.

(3.) If the owner or manager sends his objection in writing within the said twenty days to the Minister, the matter shall be referred to arbitration under this Act, and the date of the receipt of the

*Arbitration.*

*Coal Mines Regulation.*

the objection by the Minister shall be deemed to be the date of the reference, and the rules shall be established as settled by an award on arbitration.

Amendment of  
special rules.

See N.S.W. 60 Vict.,  
No. 12, s. 52.

See Vic. 50 & 51  
Vict. c. 58, s. 54.

**55.** (1.) AFTER special rules are established under this Act in any mine, the owner or manager of the mine may, from time to time, propose in writing to the inspector of the district, for the approval of the Minister, any amendment of the rules or any new special rules; and the provisions of this Act with respect to the original special rules shall apply to all such amendments and new rules in like manner as nearly as may be they apply to the original rules.

(2.) The Minister may, from time to time, propose in writing to the owner or manager of the mine any new special rules or any amendment of the special rules; and the provisions of this Act with respect to the proposal of the Minister for modifying the special rules transmitted by the owner or manager of a mine shall apply to all such new special rules and amendments in like manner as nearly as may be they apply to the proposal.

False statements  
and neglect to  
transmit special  
rules.

See *ibid.*, s. 53.

*Ibid.*, s. 55.

**56.** IF the owner or manager of any mine makes any false statement with respect to the posting up of the rules and notices, he shall be guilty of an offence against this Act; and if special rules for any mine are not transmitted within the time limited by this Act to the inspector, for the approval of the Minister, the owner or manager of such mine shall be guilty of an offence against this Act, unless he proves that he had taken all reasonable means by enforcing, to the best of his power, the provisions of this Act to secure the transmission of the rules.

Certified copy of  
special rules to be  
evidence.

See *ibid.*, s. 54.

*Ibid.*, s. 55.

**57.** AN inspector under this Act shall, when required, certify a copy which is shown to his satisfaction to be a true copy of any special rules which, for the time being, are established under this Act in any mine, and a copy so certified shall be evidence (but not to the exclusion of other proof) of such special rules and of the fact that they are duly established under this Act and have been signed by the inspector.

Special rules made  
by the Governor in  
Council.

See N.S.W. 60  
Vict., No. 12, s. 55.

**58.** THE Governor in Council may make and publish in the *Government Gazette* a set or sets of special rules, and thereafter the rules so made and published shall be deemed the special rules of every mine to which this Act applies and in respect of which no special rules shall be in force. Upon special rules being established for any mine, the special rules made by the Governor in Council as aforesaid shall cease to apply to such mine.

59.

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**59.** FOR the purpose of making known the provisions of this Act, and the special rules, to all persons employed in and about each mine, an abstract of this Act, supplied on the application of the owner or manager of the mine by the inspector of the district on behalf of the Minister, and a correct copy of all the special rules shall be published, as follows:—

Publication of abstract of Act and copy of special rules.  
See *ibid.*, s. 57;  
Vic. 50 & 51 Vict.,  
c. 58, s. 57.

- (1.) The owner or manager of the mine shall cause the abstract and copy of the rules, with the name of the mine and the name and address of the inspector of the district, and the name of the owner or manager appended thereto, to be posted up in legible characters in some conspicuous place at or near the mine where they may be conveniently read by the persons employed; and so often as the same become defaced, obliterated, or destroyed shall cause them to be renewed with all reasonable despatch.
- (2.) The owner or manager shall supply a printed copy of the abstract and the special rules (at a price not exceeding Threepence per copy) to each person employed in or about the mine who applies for a copy at the office at which the persons immediately employed by the owner or manager are paid. Every person employed in or about the mine is enjoined to acquaint himself thoroughly with the general and special rules, and to certify and sign to that effect.
- (3.) Every copy of the special rules shall be kept distinct from any rules which depend only on the contract between the employer and the employed.

In the event of any non-compliance with the provisions of this section by any person whomsoever, the owner and manager shall each be guilty of an offence against this Act; but the owner or manager of such mine shall not be deemed guilty if he proves that he had taken all reasonable means, by enforcing to the best of his power the observance of this section, to prevent such non-compliance.

**60.** EVERY person who wilfully pulls down, injures, or defaces any abstract notice, proposed special rules, or special rules when posted up in pursuance of the provisions of this Act, or any notice posted up in pursuance of the special rules, shall be guilty of an offence against this Act.

Pulling down or defacing notices.  
See N.S.W. 60 Vict.,  
No. 12, s. 58.  
See Vic. 50 & 51,  
Vict., c. 58, s. 58.

*Miscellaneous.*

**61.** (1.) EVERY person employed in or about a mine (other than an owner or manager) who is guilty of any act or omission which, in the case of an owner or manager, would be an offence against

Penalty for offences against Act.  
See *ibid.*, s. 59.  
*Ibid.*, s. 59.



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against this Act, shall be deemed to be guilty of an offence against this Act.

(2.) Every person who is guilty of an offence against this Act for which a penalty is not expressly prescribed shall be liable to a penalty not exceeding, if he is an owner or manager, Twenty pounds, and if he is any other person, Two pounds for each offence; and if an inspector has given notice of any such offence, to a further penalty not exceeding Five pounds for every day after such notice that such offence continues to be committed after any conviction.

Imprisonment for wilful neglect endangering life or limb

See *ibid.*, s. 60.

*Ibid.*, s. 60.

**62.** WHERE a person who is an owner, manager, or overman of, or a person employed in or about a mine, is guilty of any offence against this Act which, in the opinion of the Court that tries the case, is one which was reasonably calculated to endanger the safety of the persons employed in or about the mine, or to cause serious personal injury to any of such persons, or to cause a dangerous accident, and was committed wilfully by the personal act, personal default, or personal negligence of the person accused, such person shall be liable, if the Court is of opinion that a penalty will not meet the circumstances of the case, to imprisonment, with or without hard labour, for a period not exceeding three months.

General provisions as to summary proceedings.

See N.S.W., 60 Vict., No. 12, s. 62.

**63.** ANY complaint or information made or laid in pursuance of this Act shall (save as otherwise expressly provided by this Act) be made or laid within three weeks from the time when the matter of the complaint or information arose.

Prosecution of owners, managers, etc.

See *ibid.*, s. 65, Vic. 50 & 51 Vict., c. 58, s. 65.

**64.** (1.) NO prosecution shall be instituted before a Court of Petty Sessions, except by an inspector or with the consent in writing of the Minister.

(2.) No prosecution shall be instituted against a coroner for any offence against this Act, except with the consent of the Minister.

Regulations.

**65.** (1.) THE Governor in Council may make regulations not inconsistent with this Act for—

- (a.) Prescribing the form of register to be kept of boys employed in or in connection with any mine;
- (b.) Prescribing the conduct of examinations of applicants for certificates of competency or service as managers or overmen or engine-drivers; the fees payable for examinations and certificates; and the mode of the proceedings of each Board of Examiners;

(c.)

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(c.) Prescribing any forms of returns or plans or sections to be furnished under this Act, and the particulars to be stated therein ;

(d.) For the management and administration of funds and moneys in connection with the accident fund under this Act ; and

(e.) Generally for carrying this Act into execution.

(2.) All such regulations shall, on being published in the *Government Gazette*, be as valid in law as if the same were enacted in this Act, and shall be judicially noticed.

Publication of regulations.

**66.** A PERSON who is the owner or manager of any mine, or miner or miner's agent, or who is a director of a company, being the owner of a mine, shall not, except with the consent of both parties to the case, sit in Petty Sessions or adjudicate in respect of any offence under this Act.

Owner of mine, etc., not to act as Justice, etc., in proceedings under this Act. See N.S.W. 60 Vict., No. 12, s. 68. Vic. 50 & 51 Vict., c. 58, s. 69.

**67.** WHERE a penalty is imposed under this Act for neglecting to send a notice of any explosion or accident, or for any offence against this Act which has occasioned loss of life or personal injury, the Minister may, if he thinks fit, direct such penalty to be paid to or distributed among the persons injured and the relatives of any person whose death may have been occasioned by the explosion, accident, or offence, or among some of them: Provided that—

Application of penalties. See *ibid.*, s. 69. *Ibid.*, s. 70.

(a.) Such persons did not, in his opinion, occasion or contribute to occasion the explosion or accident and did not commit, and were not parties to committing, the offence ;

(b.) The fact of the payment or distribution shall not in any way affect or be receivable as evidence in any legal proceeding relative to or consequential on the explosion, accident, or offence.

**68.** IF any question arises (otherwise than in legal proceedings) whether a mine is a mine to which this Act applies, the question shall be referred to the Minister, whose decision thereon shall be final.

Decision of question whether a mine is under this Act. See *ibid.*, s. 70. *Ibid.*, s. 71.

**69.** ANY order of or exemption granted by the Minister under this Act may be made and from time to time revoked or altered by the Minister, either unconditionally or subject to such conditions as he may see fit, and shall be signed by the Minister or Under Secretary on the Minister's behalf.

Powers of Minister as to making and revoking orders. *Ibid.*, s. 71. *Ibid.*, s. 72.

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Entry on adjoining mine, etc., to ascertain whether owner etc., is encroaching. See N.S.W. 60 Vict., No. 12, s. 73.

**70.** (1.) UPON the affidavit of any person claiming to be legally or equitably interested in any mine or in any land adjoining or near to any other mine, that the owner of such last mentioned mine is, or is by the person making such affidavit believed to be, encroaching upon such first-mentioned mine or land, the Minister may by writing under his hand authorise an inspector, together with a mining surveyor or experienced miner, to enter upon such last mentioned mine or land for the purpose of ascertaining whether any such encroachment has been made, and, if so, the extent thereof.

Deposit.

(2.) Before granting such authority, the Minister shall require the person making or lodging the affidavit to deposit such a sum of money, not exceeding Twenty pounds, as shall be necessary to cover the cost of such inspection.

What may be done under such authority.

(3.) The persons so authorised may thereupon enter upon the mine or land described in such order, and descend any shaft or enter any mine, and for such purpose use the engines and other machinery ordinarily employed for that purpose by the person whose shaft or mine shall be descended or entered, and make such plans and sections of the mine or land entered upon, and of other works therein as shall be necessary for the purpose aforesaid; and the owner of the mine to be entered upon shall render all necessary assistance to the person so authorised.

Prior statutory declaration required.

(4.) Every such inspector or surveyor or miner shall, before entering upon such mine or land, make a statutory declaration that he will not (except as a witness in a Court of justice), without the consent in writing of the owner of the mine or land to be entered upon, divulge, or cause to be divulged to any person whomsoever any information obtained upon or by such entry, save only as to whether such owner is encroaching on such first-mentioned mine or land; and every person who shall, contrary to such declaration, and any owner who shall refuse such assistance as shall be necessary to enable the persons authorised by the Minister to descend the shaft, or enter and examine the mine, shall forfeit and pay a sum not exceeding Ten pounds for every such refusal.

Penalty.

(5.) The Minister may, out of the sum deposited as aforesaid, defray the cost of such inspection, and if such owner render such assistance as shall be necessary for the purposes aforesaid, and if there be no encroachment, may, out of such sum, award to such owner compensation for any loss or expense to which he may be put by reason of such inspection.

Sanitation.

**71.** PROPER sanitation shall be maintained in all mines for the use of the men working above and underground, as far as practicable.

Coal Mines Accident Relief Fund. Comp. N.Z. No. 46 of 1891, s. 69.

**72.** (1.) THE owner of every mine shall contribute to a fund for the necessary relief of miners who have been injured whilst working

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working in coal mines in Western Australia, and for the relief of the families of miners who have been killed or of persons injured whilst so working, and for the purpose of such fund shall, in the months of January and July in every year, pay a sum equivalent to one half-penny per ton on the output of all coal sold from any mine during the preceding six months respectively, ending on the last day of the preceding month of December or June (as the case may be), into a trust account to be kept by a Trust constituted pursuant to this section as hereinafter provided for.

(2.) All employees (excepting boys) of every coal mine working in Western Australia shall each contribute to the Coal Mines Accident Relief Fund one shilling per fortnight, and boys working in such mines shall each contribute sixpence per fortnight to the said fund, and boys in case of accident shall receive only half the benefits from the fund as compared with the adult employees, and the owner or manager of every such mine shall deduct fortnightly from the earnings of each of his employees such contributions, and pay the same to the Trust to be dealt with in accordance with the provisions of this Act, and shall be responsible to the said Trust for compliance with the provisions of this section.

(3.) The said Trust shall be called the Coal Mines Accident Relief Fund Trust, and shall consist of a representative of the Mining Department, to be appointed by the Minister and two persons to be appointed by the mine owners and miners respectively, in the manner prescribed in the regulations, and the said Trustees shall, subject to the regulations, pay such sums to persons who have been injured, or to the relatives of persons who have been killed by accident, as shall be recommended and approved of by the accident committee to be appointed by the employees of the coal mines, in the manner prescribed in the regulations.

(4.) The trustees shall have power to examine from time to time the books of any owner or manager of a coal mine, for the exclusive purpose of ascertaining the amounts due or paid by such mine to the said Accident Relief Fund, and also as to the amounts deducted from the employees of the mine as contributions towards such fund.

(5.) If on such examination it appears that any such owner or manager has not paid into the said Accident Relief Fund any amount as hereby prescribed, or only a part thereof, such owner or manager shall be deemed guilty of an offence against this Act, and shall be liable to a penalty of One pound in respect of each and every pound or fraction of a pound which he should have paid into the said fund, and all penalties recovered under this section, less the expenses incident to recovery of same, shall be paid into the aforesaid fund, and shall form part thereof.

(6.)

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(6.) Every owner, or manager, or officer appointed by the employees of a coal mine who refuses, obstructs, or prevents or causes the refusal, obstruction, or prevention of the production of the books of the mine, and the free examination of such books for the aforesaid purposes, shall be deemed guilty of an offence against this Act.

(7.) The cheque books, bank books, vouchers, and documents of the trustees and accident committee, relating to the said Accident Relief Fund, shall be audited every six months by an auditor appointed by the Minister.

(8.) In any action brought by a workman against the owner or manager for injuries, the amount to which such workman may be entitled from the said fund shall be taken into consideration in assessing the damages.

Repeal of Mines  
Regulation Act,  
1895.

**73.** THE Mines Regulation Act of 1895, and all amendments and regulations relating to the same, as applying to coal mines, are hereby repealed, but such repeal shall not affect anything done or suffered before the commencement of this Act, and all penalties incurred under the said repealed Acts may be proceeded for and recovered and applied as if this Act had not been passed.

Special rules of  
Mines Regulation  
Act, 1895, to have  
effect.

**74.** UNTIL special rules are framed under this Act, the special rules under the Mines Regulation Act, 1895, shall have effect.

Burden of proof to  
lie on defendant.

**75.** IN any proceeding under the provisions of this Act against a mining manager or person in charge of the mining operations in or upon a mine, the burden shall lie on the defendant of proving he is not such manager or person.

Power of Governor  
in Council to make,  
alter, and repeal  
regulations.

**76.** (1.) IT shall be lawful for the Governor in Council from time to time to make, alter, and repeal such regulations as may be necessary for the purpose of giving effect to this Act.

(2.) Such regulations may be made for the whole of the State or for any particular part thereof, and shall be published in the *Government Gazette*, and, after publication therein, shall have the force and effect of law, and shall be judicially noticed in every Court of Justice. Copies of all regulations made under this Act shall be laid before both Houses of Parliament within fourteen days from the making thereof, if Parliament shall be then in session, and, if not, then within fourteen days after the commencement of the next session thereof; and such regulations shall, in so far as not disallowed by Parliament, be deemed to be within the powers conferred by this Act, and to have been legally and properly made.

(3.)

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(3.) It shall be lawful by such regulations to impose for any breach thereof, or for any disobedience of a lawful order of the Registrar, a fine not exceeding Ten pounds, or, in default of payment, imprisonment, with or without hard labour, for any period not exceeding three months.

In the name and on behalf of the King I hereby assent  
to this Act.

ARTHUR LAWLEY, Governor.

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## SCHEDULE.

## GENERAL RULES FOR THE REGULATION, GOVERNMENT, OR PROTECTION OF MINES, AND PERSONS EMPLOYED THEREIN, OR RESORTING THERETO, OR VISITING THE SAME.

## General rules.

THE following General Rules shall be observed, so far as is reasonably practicable, in every mine:—

## Ventilation of mines.

**RULE 1.**—An adequate amount of ventilation shall be constantly produced in every mine to dilute and render harmless noxious gases to such an extent that the working place of the shafts, levels, stables, and workings of the mine, and the travelling roads to and from those working places shall be in a fit state for working and passing therein. The ventilation so produced shall be the supply of pure air in quantity not less than one hundred cubic feet per minute, for each man, boy, and horse, or other animal employed in the mine, which air (in that proportion, but with as much more as the Inspector shall direct) not exceeding 200 cubic feet per minute, shall sweep along the airways and be forced as far as the face of and into each and every working-place where man, boy, horse, or other animal is engaged or passing, main return airways only excepted.

Every mine, except such as are worked on the long-wall system, shall be divided into districts or splits of not more than fifty men in each; and each district shall be supplied with a separate current of fresh air. The intake air shall travel free from all stagnant water, stables, steam pipes, fires, and old workings. In the case of mines required by this Act to be under the control of a certificated manager, the quantity of air in the respective splits or currents shall at least once in every month be measured and entered in a book to be kept for the purpose at the mine.

## Ventilation by fire.

**RULE 2.**—Where a fire is used for ventilation in a mine newly opened after the commencement of this Act, the return air, unless it be so diluted as not to be inflammable, shall be carried off clear of the fire by means of a dumb drift or airway.

## Ventilation by machinery.

**RULE 3.**—Where a mechanical contrivance for ventilation is introduced into any mine after the commencement of this Act, it shall be in such position and placed under such conditions as will tend to insure its being uninjured by any explosion.

## Stations and inspection of conditions as to ventilation, etc.

**RULE 4.**—A station or stations shall be appointed at the entrance to the mine or to different parts of the mine, as the case may require, and the following provisions shall have effect:—

## (1.) As to inspection before commencing work—

A competent person or competent persons appointed by the owner, agent, or manager for the purpose, not being contractors for getting minerals in the mine shall, within such time immediately before the commencement of each shift as shall be fixed by special rules made under this Act, inspect every part of the mine situate beyond the station or each of the stations, and in which workmen are to work or pass during that shift, and shall ascertain the condition thereof so far as the presence of gas, ventilation, roof, and sides, and general safety are concerned.

No workman shall pass beyond any such station until the part of the mine beyond that station has been so examined and stated by such competent person to be safe. The inspection shall be made with a locked safety lamp, except in the case of any mine in which inflammable gas has not been found within the preceding twelve months.

A

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A report specifying where noxious or inflammable gases, if any, were found present, the condition of the ventilation, and what defects, if any, in roofs, or sides, and what, if any, other source of danger were or was observed, shall be recorded without delay in a book to be kept at the mine for the purpose, and accessible to the check inspectors, and such report shall be signed by, and, so far as the same does not consist of printed matter, shall be in the hand-writing of the person who made the inspection.

For the purpose of the foregoing provisions of this rule, two or more shifts succeeding one another without any interval are to be deemed to be one shift.

(2.) As to inspection during shifts:—

A similar inspection shall be made in the course of each shift of all parts of the mine in which workmen are to work or pass during that shift, but it shall not be necessary to record a report of the same in a book: Provided that, in the case of a mine worked continuously throughout the twenty-four hours during a succession of shifts, the report of one of such inspections shall be recorded in manner above required.

**RULE 5.**—A competent person or competent persons appointed by the owner, agent, or manager for the purpose shall, once at least in every twenty-four hours, examine the state of the external parts of the machinery, the state of the guides and conductors in the shafts, and the state of the head gear, ropes, chains, and other similar appliances of the mine which are in actual use, both above ground and below ground, and shall, once at least in every week, examine the state of the shafts by which persons ascend or descend; and shall make a true report of the result of such examination, and every such report shall be recorded without delay in a book to be kept at the mine for the purpose, and shall be signed by the person who made the inspection.

Inspection of machinery, etc., above and below ground.

**RULE 6.**—Every entrance to any place which is not in actual use or course of working and extension shall be properly fenced across the whole width of the entrance, so as to prevent persons inadvertently entering the same.

Fencing of entrances.

**RULE 7.**—If at any time it is found by the person for the time being in charge of the mine, or any part thereof, that by reason of inflammable gases prevailing in the mine, or that part thereof, or of any cause whatever, the mine or that part is dangerous, every workman shall be withdrawn from the mine or part so found dangerous; and a competent person appointed for the purpose shall inspect the mine, or part so found dangerous; and if the danger arises from inflammable gas, shall inspect the mine or part with a locked safety lamp, and in every case shall make a true report of the condition of the mine or part; and a workman shall not, except in so far as is necessary for inquiring into the cause of danger or for the removal thereof, or for exploration, be readmitted into the mine, or part so found dangerous, until the same is stated by the person appointed as aforesaid not to be dangerous. Every such report shall be recorded in a book, which shall be kept at the mine for the purpose, and shall be signed by the person who made the inspection.

Withdrawal of workmen in case of danger.

**RULE 8.**—No lamp or light other than a locked safety lamp shall be allowed or used—

Use of safety lamps in certain places.

- (a.) In any place in a mine in which there is likely to be any such quantity of inflammable gas as to render the use of naked lights dangerous; or
- (b.) In any working approaching near a place in which there is likely to be an accumulation of inflammable gas.

And when it is necessary to work the coal in any part of a ventilating district with safety lamps, it shall not be allowable to work the coal with naked lights in another part of the same ventilating district situate between the place where such lamps are being used and the return airway.

**RULE**



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Construction of safety lamps.

**RULE 9.**—Wherever safety lamps are used, they shall be constructed of a type to be approved by the inspector.

Examination of safety lamps.

**RULE 10.**—In any mine or part of a mine in which safety lamps are required by this Act, or by the special rules made in pursuance of this special Act to be used—

- (1.) A competent person appointed by the owner, agent, or manager for the purpose shall, either at the surface or at the appointed lamp station, examine every safety lamp immediately before it is taken into the workings for use, and ascertain it to be in safe working order and securely locked, and such lamps shall not be used until they have been so examined and found in safe working order, and securely locked.
- (2.) A safety lamp shall not be unlocked except either at the appointed lamps station or for the purpose of firing a shot, in conformity with the provisions hereinafter contained.
- (3.) A person, unless he has been appointed either for the purpose of examining safety lamps, or for the purpose of firing shots, shall not have in his possession any contrivance for opening the lock of any safety lamp.
- (4.) A person shall not have in his possession any lucifer match or apparatus of any kind for striking a light excepting within a completely closed chamber attached to the fuse of the shot.

Lamp stations.

**RULE 11.**—Where safety lamps are required to be used the position of the lamp stations for lighting or relighting the lamps shall not be in the return air.

Use of explosives below ground.

**RULE 12.**—Gunpowder or other explosive or inflammable substance shall only be used in a mine as hereunder provided, that is to say:—

- (a.) It shall not be stored on the surface or adjacent to the mine except in such magazine and in such quantities as may be in writing approved by the Minister. Detonators shall be stored in a separate magazine.
- (b.) It shall not be stored in the mine.
- (c.) It shall not be taken into or kept in the mine, except in cartridges in a secure case or canister containing not more than eight pounds of powder or four pounds of nitro-glycerine compound.

Provided that on the application of the owner, agent, or manager of any mine, the Minister may, by order, exempt such mine from so much of this rule as forbids taking an explosive substance into the mine except in cartridges.

- (d.) A workman or party of workmen shall not have in use at any one time in any one place more than one of such cases or canisters.
- (e.) In the process of charging or stemming for blasting, a person shall not use any iron or steel implement or tool; nor in any mine or part of a mine in which safety lamps are required by this Act to be used shall dry coal or coal dust be used for tamping.
- (f.) No explosive shall be forcibly pressed into a hole of insufficient size, and when a hole has been charged, the explosive shall not be unrammed; and no hole shall be bored for a charge at a distance of less than six inches from any hole where the charge has missed fire: Provided that in cases where a fuse is used no person shall return to a place where such charge has missed fire until a period of eight hours has elapsed from the lighting of the fuse attached to such charge.
- (g.) In any case in which the use of a locked safety lamp is for the time being required by or in pursuance of this Act, or which is dry and dusty, no shot shall be fired except by or under the direction of a competent

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competent person appointed by the owner, agent, or manager of the mine; and such person shall not fire the shot nor allow it to be fired until he has examined both the place itself where the shot is to be fired and all contiguous accessible places of the same seam within a radius of twenty yards, and has found such place safe for firing.

- (h.) If in any mine, at either of the inspections under Rule four recorded last, before a shot is to be fired, inflammable gas has been reported to be present in the ventilating district in which the shot is to be fired, the shot shall not be fired—
  - (i.) Unless a competent person appointed as aforesaid has examined the place where gas has been so reported to be present, and has found that such gas has been cleared away, and that there is not at or near such place sufficient gas issuing or accumulated to render it unsafe to fire the shot; or
  - (ii.) Unless the explosive employed in firing the shot is so used with water or other contrivance as to prevent it from inflaming gas, or is of such a nature that it cannot inflame gas.
- (i.) If the place where a shot is to be fired is dry and dusty, then the shot shall not be fired unless one of the following conditions is observed, that is to say—
  - (a.) Unless the place of firing and all contiguous accessible places within a radius of twenty yards therefrom are at the time of firing in a wet state from thorough watering or other treatment equivalent to watering, in all parts where dust is lodged, whether roof, floor, or sides; or
  - (b.) In the case of places in which watering would injure the roof or floor, unless the explosive is so used with water, or other contrivance, as to prevent it from inflaming gas or dust, or is of such a nature that it cannot inflame gas or dust.
- (j.) If such dry and dusty place is part of a main haulage road, or is a place contiguous thereto, and showing dust adhering to the roof and sides, no shot shall be fired there unless—
  - (i.) Both the conditions mentioned in sub-head (i.) have been observed; or
  - (ii.) Unless such one of the conditions mentioned in sub-head (i.) as may be applicable to the particular place has been observed, and, moreover, all workmen have been removed from the seam in which the shot is to be fired, and from all seams communicating with the shaft on the same level, except the men engaged in firing the shot, and such other persons, not exceeding ten, as are necessarily employed in attending to the ventilating furnaces, steam boilers, engines, machinery, winding apparatus, signals, or horses, or in inspecting the mine.
- (k.) In this Act “ventilating district” means such part of a seam as has an independent intake commencing from a main intake air course, and an independent return airway terminating at a main return aircourse; and “main haulage road” means a road which has been, or for the time being is, in use for moving trams by steam or other mechanical power.
- (l.) Where a seam of a mine is not divided into separate ventilating districts, the provisions in this Act relating to ventilating districts shall be read as though the word “seam” were substituted for the words “ventilating district.”

**RULE 13.**—No person shall enter, with a naked light, a powder magazine.

**RULE** Naked lights in powder magazines.

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Signalling.

**RULE 14.**—All methods of signalling in mines to indicate that men or material are to be raised or lowered in shafts shall be clear and distinct, and shall be posted in a clear and legible form on framed boards, one of which shall be placed at each chamber in the shaft, another on the brace, and a third in the engine room.

(a.) Such methods shall be subject to the approval of the inspector, and shall also be subject to such alterations and amendments as may from time to time be indicated by the Minister on the report of the Inspector, and any neglect to carry out such indicated alterations or amendments shall be an offence against this Act.

(b.) A line, or some other appliance, shall be provided in each shaft to admit of danger signals being communicated to the engine-driver from any portion of such shaft.

(c.) Every person employed in a mine shall make himself acquainted with the system of signals used in such mine.

View of shaft by engine driver.

**RULE 15.**—A clear view shall be kept for the engine-driver between his station and the shaft at the surface brace.

Person in charge of machinery.

**RULE 16.**—No person under the age of eighteen years shall be placed in charge of or have the control of any engine or winch driven by steam, air, gas, oil, or electricity used in connection with the working of a mine. No person in charge of any such engine or winch working on a mine shall, under any pretext whatever unless relieved by a competent person, absent himself or cease to have continual supervision during the time such machinery is so used.

Means of egress to be kept ready for use.

**RULE 17.**—When the only means of egress from a mine is a machine worked by steam, water, or mechanical power, such machine shall be always kept ready for use (and the person in charge thereof shall so remain in charge) whilst any person is below in the mine.

**RULE 18.**—No iron, timber, tools, rails, trucks, skips, sprags, or other material, except when repairing the shaft, shall be placed in the same cage, bucket, or other carriage, receptacle, or platform in which men are being lowered or raised from their work.

**RULE 19.**—All machinery, whether above or below ground, shall be kept in good order and condition.

**RULE 20.**—Every brace, or pit-bank shall be properly covered, to protect the workmen from the inclemency of the weather.

Fencing machinery.

**RULE 21.**—Every fly-wheel, and all exposed or dangerous parts of the machinery used in or about the mine, shall be kept securely fenced.

Mining manager in charge of a mine to inspect.

**RULE 22.**—The mining manager, or in his absence the under manager, shall once a week carefully examine the machinery and buildings used in the working of the mine and the condition of the mine itself, and shall record, in writing, in a book kept for that purpose, his opinion as to their condition and safety, and any repairs and alterations required to ensure greater safety to the persons employed therein.

Shafts with ladders to have platforms.

**RULE 23.**—After the passing of this Act, every ladder constructed and fixed in a shaft for the ascent and descent of persons working in the mine shall be inclined at the most convenient angle which the space allows, and such ladder shall have substantial platforms at intervals of not more than thirty feet, and with spaces for foothold of not less than six inches clear of wall.

**RULE 24.**—Safety cages shall be provided, when required by the inspector, and shall be tested before they are used.

Water and bore holes.

**RULE 25.**—Where a place is likely to contain a dangerous accumulation of water, the working approaching that place shall not at any point within forty yards of that place exceed eight feet in width, and there shall be constantly kept at a sufficient distance, not being less than five yards in advance, at least one bore hole, near the centre of the working, and sufficient flank bore holes on each side.

RULE

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**RULE 26.**—Every underground plane on which persons travel, which is self-acting or worked by an engine, windlass, jig, or gin, shall be provided, if exceeding thirty yards in length, with some proper means of communicating distinct and definite signals between the stopping places and the ends of the plane, and shall be provided in every case with sufficient manholes for places of refuge, at intervals of not more than twenty yards, and of not less than six feet high, three feet wide, and four feet deep, or if there is not room for a person to stand between the side of a tub and the side of the plane, then (unless the tubs are moved by an endless chain or rope) at intervals of not more than ten yards.

Signalling and manholes for travelling planes worked by machinery.

**RULE 27.**—Every road on which persons travel underground, where the load is drawn by a horse or other animal, shall be provided, at intervals of not more than fifty yards, with sufficient manholes, or with places of refuge, and every such place of refuge shall be of sufficient length, and at least three feet in width between the wagons running on the road and the side of such road. There shall be at least two proper travelling ways into every steam-engine room and boiler gallery.

Manholes for other travelling roads.

**RULE 28.**—Every manhole and every place of refuge shall be constantly kept clear, and no person shall place anything in any such manhole or place of refuge.

Manholes to be kept clear.

**RULE 29.**—Every travelling road on which a horse or other draught animal is used underground shall be of sufficient dimensions to allow the horse or other animal to pass without rubbing against the roof or timbering.

Dimensions of travelling roads.

**RULE 30.**—The top of every shaft which for the time being is out of use, or used only as an air-shaft, shall be and shall be kept securely fenced.

Fencing of shafts.

**RULE 31.**—Every shaft in course of sinking shall be provided with a trolley to run over the pit's mouth, and receive the load when brought to the surface. Such trolley to be large enough to cover the opening at pit top. This rule shall not apply to sinking with windlasses worked by hand.

Trolley over pit mouth.

**RULE 32.**—The top and all entrances between the top and bottom, including the sump, if any, of every working, ventilating, or pumping shaft shall be properly fenced; but this shall not be taken to forbid the temporary removal of the fence for the purpose of repairs or other operations, if proper precautions are used.

Fencing of entrances to shafts.

**RULE 33.**—Where the natural strata are not safe, every working or pumping shaft shall be securely cased, lined, or otherwise made secure. Every shaft in course of sinking shall be kept clear of all noxious gases by a fan or some other appliance.

Securing of shafts.

Sinking pit to be cleared of gas.

**RULE 34.**—The roof and sides of every travelling road and working place shall be made secure, and a person shall not, unless appointed for the purpose of exploring or repairing, travel or work in any such travelling road or working place which is not made so secure.

Securing of roofs and sides.

**RULE 35.**—Where the timbering of the working places is done by the workmen employed therein, suitable timber shall be provided within twelve feet of the working face, gate end, pass by, siding, or other similar place in the mine convenient to the workmen, and the distance between the sprags or holing props, where they are required, shall not exceed six feet, or such less distance as may be ordered by the owner, agent, or manager.

Timbering.

**RULE 36.**—Where there is a downcast and furnace shaft to the same seam, and both such shafts are provided with apparatus in use for raising and lowering persons, every person employed in the mine shall, on giving reasonable notice, have the option of using the downcast shaft.

Option of using downcast shaft.

**RULE 37.**—In any mine which is usually entered by means of machinery, a competent male person not less than twenty-two years of age shall be appointed for the purpose of working the machinery which is employed in lowering and raising persons therein, and shall attend for that purpose during the whole time that any person is below ground in the mine.

Attendance of engine-man.

Where any shaft, plane, or level is used for the purpose of communication from one part to another part of a mine, and persons are taken up or down or along such shaft, plane, or level, by means of any engine, windlass, or gin, driven or





## Western Australia.

ANNO PRIMO ET SECUNDO

EDWARDI VII. REGIS.

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No. XXVI.

AN ACT to confirm a Provisional Order  
authorising the Construction of Tramways  
in the Districts of the North Perth Road  
Board and of the Perth Road Board.

[Assented to, 19th February, 1902.]

BE it enacted by the King's Most Excellent Majesty, by and with  
the advice and consent of the Legislative Council and  
Legislative Assembly of Western Australia, in this present Parlia-  
ment assembled, and by the authority of the same, as follows:—

1. THIS Act may be cited as the North Perth and Perth  
Road Board Districts Tramways Act, 1902. Short title.

2. THE term "Local Authority," when used in this Act or in  
the Tramways Act, 1885, shall mean the Council of any Municipality  
declared and proclaimed or constituted under the provisions of any  
Act Interpretation.

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Act relating to Municipal Institutions, or other Board, Council, Trustees, or persons in whom a road, as defined by the Tramways Act, 1885, is vested, or who have the power to maintain or repair such road.

Confirmation of Provisional Order.

3. THE Provisional Order made by the Commissioner of Railways for Western Australia on the 29th day of January, 1902, and set forth in the Schedule to this Act is hereby confirmed.

Power to construct tramways.

4. SUBJECT to the provisions of the Tramways Act, 1885, the Promoter named in the said Provisional Order may make, form, lay down, construct, maintain and work the tramways set forth in the said Provisional Order.

Schedule incorporated.

5. THE Schedule shall form part of this Act.

Right of purchase by local authority.

6. THE local authority shall have the right, at the end of twenty-one years from the date fixed for the completion of the works by the Provisional Order, upon giving six calendar months' notice in writing of such its intention, to purchase the whole of the lines, plant, lands, and buildings of the Promoter, situate and being within the North Perth Road Board and the Perth Road Board Districts as now determined, and which have been in use for the purposes of the tramway or tramways comprised within the Provisional Order hereinbefore referred to. The price to be paid for all land, whether freehold or leasehold, with right of purchase, shall be the amount paid or to be paid in accordance with the provisions of Clause three of the Provisional Order and no more. The price to be paid by the local authority for the lines, engines, cables, plant, buildings, and necessary appurtenances used in working the tramway or tramways shall be ascertained by arbitration, in manner provided by the Arbitration Act, 1895. If the local authority shall not exercise the right of purchase mentioned hereinbefore, at the end of twenty-one years as aforesaid, then such right shall not be exercisable by them until the end of twenty-eight years from the date fixed for the completion of the works by the Provisional Order, and if exercised then it shall be on the same terms and conditions as if they had exercised their right at the expiration of twenty-one years from the date fixed for the completion of the works by the Provisional Order.

Reversion to local authority.

7. IF the local authority shall not exercise the right of purchase mentioned in the next preceding section hereof, at the end of either the twenty-one years or the twenty-eight years therein specified, then, at the expiration of thirty-five years from the date fixed for the completion of the works by the provisional order, the whole of the lines, cables, engines, cars, plant, and all other appurtenances necessary for the carrying on of the working of the tramway

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tramway or tramways, together with all extensions thereof shall revert to the local authority free of all cost, and shall be handed over by the promoter or his assigns, in good working order and condition. All land or lands used for the purposes of the said tramway, whether freehold or leasehold, with right of purchase, shall also be conveyed to the local authority, who shall pay for same the price or prices indicated under the provisions of Section six, without any addition whatever. All buildings erected on such freehold or leasehold land, with right of purchase, and which are necessary for the carrying on of the tramway or tramways, shall also be taken over by the local authority, and the price to be paid by such local authority shall be ascertained by arbitration in manner provided by the Arbitration Act, 1895.

8. NOTHING herein contained shall prejudice or affect a certain agreement dated the 9th day of August, 1901, and made between the North Perth Road Board of the one part and the Promoter of the other part, except so far as the same is contrary to or in conflict with the provisions of this Act or the Tramways Act, 1885.

Saving rights of the  
North Perth Road  
Board.

9. IF at any time hereafter any local authority shall require to connect with and acquire running powers over the tramways authorised by this Act, it shall be lawful to do so upon terms and conditions to be settled by agreement, in writing, between such local authority and the Promoter or its assigns, and in default of such agreement or so far as such agreement shall not extend, upon terms and conditions to be settled by arbitration. If within twenty-eight days after notice served on the Promoter or its assigns by the local authority, requiring the Promoter or its assigns to agree to terms and conditions, the parties fail to come to an agreement, such notice shall, on the expiration of such twenty-eight days, operate as if it were a submission executed by both parties referring to arbitration the settlement of terms and conditions so far as not agreed upon.

Power for local authority to connect with and acquire running powers over tramways.

10. IT shall at all times hereafter be lawful for the Commissioner of Railways, and for any person acting with his authority, to construct, maintain, and use lines of railway crossing the said tramways at any points; and whenever any such line of railway shall have been so constructed, the Commissioner of Railways may require the Promoter or its assigns, at their or its own cost, to erect a suitable bridge over such railway for the tramway traffic.

Power for Commissioner of Railways to make lines crossing tramway.

11. WHENEVER any telephone service is erected prior to the construction of the tramways, and is prejudicially affected by the construction or working of the tramways, the Postmaster General may, at the cost of the Promoter or its assigns, do all such things as may

Protection of telephone service from injury by tramways.



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*North Perth and Perth Road Board Districts Tramways.*

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may be necessary to protect the telephone service from being so affected either by placing the same on a metallic circuit system or otherwise.

Poles may be used  
for electric lighting.

12. IT shall be lawful for the local authority to make use of the poles erected in connection with the tramway or tramways for the purposes of electric lighting, whether such electric lighting be carried on by such local authority or by persons authorised by them to carry on such work.

In the name and on behalf of the King I hereby assent  
to this Act.

ARTHUR LAWLEY, Governor.

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## THE SCHEDULE.

## PROVISIONAL ORDER.

WHEREAS THE TOWN PROPERTIES OF WEST AUSTRALIA, LIMITED, whose registered office is in Trustee Chambers, Barrack Street, Perth, a Company within the meaning of the expression "The Promoters," as defined by "The Tramways Act, 1885," Section three, Sub-section two, has made application to me for a Provisional Order authorising the construction of Tramways in the Districts of the North Perth Road Board and the Perth Road Board, along the routes specified in the Schedule hereunder written: AND WHEREAS the Promoter has published notice of its intention to make such application, in the form prescribed in the Schedule "B" annexed to "The Tramways Act, 1885," by advertisement in the *Government Gazette*, and in the *West Australian* and *Morning Herald* newspapers; and has deposited the documents described in Schedule "C," annexed to the same Act, at the Department of Public Works, Perth, and with the Secretaries of the North Perth Road Board and the Perth Road Board respectively: AND WHEREAS I have considered the said application, and it appears to me expedient and proper that the said application should be granted: NOW THEREFORE I, the undersigned Commissioner of Railways for Western Australia, do hereby, by virtue of the provisions of "The Tramways Act, 1885," make a Provisional Order, and I do order as follows, that is to say:—

1. The Promoter shall be and is hereby empowered to make, form, lay down, construct, maintain, and work tramways in, upon, and along such of the streets and roads in the respective Districts of the North Perth Road Board and of the Perth Road Board as are mentioned in the said Schedule hereunder written. PROVIDED, nevertheless, that notwithstanding anything herein contained it shall be lawful for the Commissioner of Railways at any time within six months from the date hereof, by notice, in writing, to the Promoter, delivered at its registered office for the time being, to prohibit the construction of any part or parts of the said tramway which, in the opinion of the Commissioner of Railways, may interfere with the Railway system.

2. The Promoter shall, within nine months after the confirmation of this Provisional Order, or within such extended time as the Commissioner of Railways and the Local Authorities may approve, substantially commence the works in connection with the said tramways, and complete the same, in so far as the same lie within the District of the North Perth Road Board, within six months of such commencement, and complete the portion of such works lying within the District of the Perth Road Board within nine months of such commencement.

3. The Promoter shall, within two years from the passing of the Act of Parliament confirming this Provisional Order, purchase all such freehold lands and acquire all such leasehold lands, with the right of purchase, as may be required for the purpose of working the said tramways, and shall forthwith, after such purchase or acquirement, notify to each of the said local authorities respectively the price paid for such freehold and to be paid for such leasehold lands as lie within their respective districts, and all buildings and works required or used in connection with the tramways shall be erected on freehold lands or leaseholds with the right of purchase.

4. The said tramways shall be constructed on the 3ft. 6in. gauge.

5. The roads of all the lines shall be properly macadamised by the Promoter for a width of 6ft. 6in. for single lines and 16ft. for double lines, and shall be kept in thorough repair to the level of the rails by the Promoter.

6.

*North Perth and Perth Road Board Districts Tramways.*

6. The said tramways shall be laid with steel rails.

7. The said tramways shall, if required by the local authorities, be used for the conveyance or carriage of passengers, passengers' luggage, parcels, merchandise, live and dead stock, manure, wood, timber, coal, farm and garden produce, articles, materials, and all other goods of a portable nature.

8. The Promoter, during a period of ten years after the opening of the said tramways for public traffic, may demand and take for every passenger conveyed upon the said tramways any tolls and charges not exceeding in amount the sum of twopence for any single fare on a single journey from or to the Government Road boundary of the town of Leederville, and the Southern boundary of the Osborne Park Estate and one penny for any single fare on a single journey from or to the Southern boundary of the Osborne Park Estate and the terminus of the said line in the said estate. Provided, always, that the Promoter shall, as and when required by the North Perth Road Board, provide special cars for workmen before eight o'clock in the morning, and all workmen travelling upon such special cars before eight o'clock in the morning shall, on payment of a fare not exceeding threepence, be provided with return tickets from or to the Government Road boundary of the town of Leederville and the Southern boundary of the Osborne Park Estate, the return portion whereof shall be available for use on workmen's cars between the hours of 5 and 6:30 p.m. Provided also, that children under three years of age and in arms shall travel free on the said tramways.

9. At the expiration of the said period of ten years the question of passenger fares shall be referred to the local authorities so far as regards their respective districts and the Promoter, and, in the event of their failing to agree, shall be determined by the Commissioner of Railways.

10. The restrictions herein contained as to tolls and charges which the Promoter may demand and take for the conveyance or carriage of passengers shall not extend to any special cars other than workmen's cars, but shall apply only to workmen's cars, and to the ordinary cars appointed by the Promoter from time to time for the conveyance of passengers.

11. The tolls and charges for passengers authorised to be taken, and which shall be demanded by the Promoter shall be paid to such persons, and at such places upon or near the tramways, and in such manner and under such regulations as the Promoter shall appoint by notice, to be exhibited in some conspicuous place on the inside of each of the passenger cars used by the Promoter upon the said tramways.

12. Every passenger travelling upon the tramways may take with him ordinary personal luggage or goods belonging to him not exceeding in weight 20lbs., without any charge being made for the carriage thereof.

13. The Promoter may demand and take, in respect of any parcels, merchandise, live or dead stock, articles, produce, and other goods (not being passengers' luggage not exceeding 20lbs. in weight) carried by it on the said tramways, such tolls and charges as may be mutually agreed upon between the Promoter and each of the local authorities in respect of whose districts such tolls shall be payable, or in case of dispute as may be settled by the Commissioner of Railways.

14. All cars used on the said tramways shall be moved by electric power, and the Promoter may erect and maintain all such poles and posts, with wires attached thereto, in the said streets and roads mentioned in the said Schedule hereunder written, along the routes therein mentioned, as may be necessary or required for supplying electricity to the said cars, and for working the said tramways on the overhead trolley system: PROVIDED that the Commissioner of Railways shall be entitled to direct the alteration of position of any pole or post or wire, if it appears to him that the same is specially inconvenient, and could be made less inconvenient without great cost to the Promoter; and in the event of such direction being given by the said Commissioner of Railways, the Promoter shall comply with it without delay.

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*North Perth and Perth Road Board Districts Tramways.*

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15. All cars using the said tramways may travel at a speed not exceeding the rate of 10 miles an hour, and may follow after each other at distances of not less than 50 yards, and may stop at any point on the said tramways, except on crossings of streets, for the purpose of taking up and setting down passengers, and may stand at the terminus of any of the said tramways.

16. Cars shall be run at such intervals as shall be determined by the Promoter and the Commissioner of Railways.

17. The said tramways shall be constructed in accordance with the drawings herewith (subject to provisos herein contained), with double or single lines, as the case may be, and, in the case of single lines, the Promoter shall lay them so as to allow for double lines in the future, and shall be at liberty to lay them either in the centre of the road or on either side thereof; but the Commissioner of Railways may from time to time, upon the application of the Promoter, alter or vary the same or authorise the Promoter to alter or vary the same. In the event of the line being duplicated, the centre line of both tracks shall be at equal distances from the centre line of the road.

18. All additional plans and specifications required in connection with the carrying out of the works shall be submitted to the Commissioner of Railways, and all works shall be carried out and finished to his entire satisfaction.

19. The Promoter may, from time to time, make and enter into and carry into effect contracts, agreements, and arrangements with any person, Corporation, or Company for or with reference to the use by such other person, Corporation, or Company of the said tramways or portion thereof, and for prescribing and regulating the tolls and charges to be paid for such use, and the terms and conditions of such use, and all matters incidental thereto.

20. The right to carry parcels, merchandise, live and dead stock, manures, wood, timber, coal, farm and garden produce, articles, materials, and all other goods of a portable nature (not being passengers' luggage not exceeding 20lbs. in weight) shall absolutely cease and determine upon the Commissioner of Railways at any time giving to the Promoters six months' notice to that effect.

21. The term "the Promoter," whenever hereinbefore used, shall mean and include the Town Properties of West Australia, Limited, and its assigns, whenever the context so requires or admits.

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SCHEDULE ABOVE REFERRED TO :

From the Government Road boundary of the Town of Leederville, along Oxford Street to North Beach Road and thence along North Beach Road to the Southern boundary of the Osborne Park Estate (Perthshire Location Av), thence along Main Avenue Northwards through the Osborne Park Estate, commencing at the junction of North Beach Road and Osborne Park Estate, between Lots 61 and 62 in Section D of the said Osborne Park Estate, and terminating at the junction of Lot 5, Section E, and Lot 75, Section C, of the said Osborne Park Estate.

Given under my hand this 29th day of January, 1902.

WALTER KINGSMILL,

Commissioner of Railways.

*Stone & Burt, Hay Street, Perth, Solicitors for the Promoter.*





## Western Australia.

ANNO PRIMO ET SECUNDO

EDWARDI VII. REGIS.

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No. XXVII.

AN ACT to provide for the Extension of the  
Metropolitan Waterworks, and to amend the  
Law relating to the same.

*[Assented to, 19th February, 1902.]*

**B**E it enacted by the King's Most Excellent Majesty, by and  
with the advice and consent of the Legislative Council Preamble.  
and Legislative Assembly of Western Australia, in this present  
Parliament assembled, and by the authority of the same, as  
follows:—

1. THIS Act may be cited as the Metropolitan Waterworks  
Amendment Act, 1902, and shall be read with the Metropolitan Short title.  
Waterworks Act, 1896 (hereinafter called the principal Act), and  
all Acts amending the same.

2. THE Board may issue debentures to the extent of Four  
hundred and twenty thousand pounds instead of Four hundred Increase of capital.  
thousand pounds as provided by section two of the Metropolitan  
Waterworks Act, 1896, Amendment Act, 1898, and the words "Four  
hundred,"

*Metropolitan Waterworks.*

hundred," in the first and second and the sixth lines of such section, are hereby struck out, and the words "Four hundred and twenty" inserted in lieu thereof.

Repeal of section  
15, Metropolitan  
Waterworks Act,  
1896.

**3.** SECTION fifteen of the Metropolitan Waterworks Act, 1896, is hereby repealed, and the principal Act and Acts amending the same shall be read and construed as though the said section had never been enacted. The following shall be substituted in lieu of the repealed section :—

The rates, charges for water, and other sums received by the Board by virtue of this Act shall be apportioned in the first place to the management and maintenance of the said Metropolitan Waterworks; in the next place to paying the interest half-yearly at the rate of four per centum per annum on the debentures outstanding, and in the next place to the redemption of debentures at the rate of one per centum per annum on all debentures outstanding, except such as have been issued less than one year, and in the next place to the improvement of the said works. The first payment on account of the redemption of debentures shall be made on the first day of July, one thousand nine hundred and two, and thenceforward half-yearly until the redemption of all the debentures raised under this Act.

Board may burn  
bodies of dead  
animals on  
catchment area.  
Destruction of dead  
bodies.

**4.** THE Board, or its servants or agents, may burn the body of any dead animals found within the catchment area, whether upon private land or otherwise.

Secretary may  
appear in Court.

**5.** THE Secretary to the Board shall be entitled to appear personally in all suits, prosecutions, and legal proceedings to which the Board is a party in any Local Court or Police Court.

**6.** NO portion of the moneys raised under the powers conferred by this Act shall be expended by the Board without the approval of the Governor.

In the name and on behalf of the King I hereby assent  
to this Act.

ARTHUR LAWLEY, Governor.



## Western Australia.

ANNO PRIMO ET SECUNDO

EDWARDI VII. REGIS.

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No. XXVIII.

### AN ACT for procuring the Attendance of Witnesses before Royal Commissions.

*[Assented to, 19th February, 1902.]*

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. THIS Act shall be cited as the Royal Commissioners' Powers Act, 1902. Short title.

2. IT shall be lawful for any Royal Commission, appointed or to be appointed by the Governor, to summon, by writing under the hand of the chairman of the Commission, any person whose evidence shall, in the judgment of the Commission, be material to the subject matter of the inquiry to be made by such Commission, to attend the said Commission at such place and time as shall be specified therein; and such person may be required by such summons to bring any books, papers, writings, deeds, and documents of which any Court of law Commission may summon witnesses.  
And require production of books, etc.



*Royal Commissioners' Powers.*

law might compel the production, and any member of such Commission may examine such person, upon oath or otherwise, touching the matter to be inquired into by such Commission.

Penalty for refusing  
to appear as a  
witness.

3. IF any person on whom any such summons shall have been served by the delivery thereof to him, or by the leaving thereof at his usual place of abode, shall neglect or fail to appear according to the exigency of the summons requiring his attendance, or being present shall refuse to be sworn or to give evidence, or to make answer to such questions as shall be put to him by any member of such Commission, touching the subject matter of the inquiry, or if any person having the custody or control of such books, papers, documents, and writings shall, upon being summoned as aforesaid, fail or neglect to produce them at the time and place named in such summons, such person so offending shall forfeit and pay to His Majesty, for every such default, any sum not exceeding One hundred pounds, to be recovered in a summary way before any Court of summary jurisdiction, by any person authorised by the Commission so to do.

Witnesses' expenses.

4. ANY witness attending in pursuance of any such summons shall be entitled to expenses for travelling and maintenance during his absence from his usual place of residence, according to the scale allowed by the rules of the Supreme Court in civil cases to witnesses, and such expenses shall be paid by the Colonial Treasurer out of consolidated revenue, if certified by the chairman of such Commission.

Witnesses not liable  
to penalty unless  
payment of expenses  
made or tendered.

5. NO person summoned as a witness as aforesaid shall be liable to any penalty for refusing or neglecting to appear as a witness unless at the same time as the service of summons there shall have been made to such person a payment or a tender of his travelling expenses, according to the scale allowed by the Supreme Court in civil cases to witnesses.

In the name and on behalf of the King I hereby assent  
to this Act.

ARTHUR LAWLEY, Governor.



## Western Australia.

ANNO PRIMO ET SECUNDO

EDWARDI VII. REGIS.

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No. XXIX.

AN ACT to restrict the operation of the Law  
of Prescription respecting Access and Use of  
Light and Air to Buildings.

[Assented to, 19th February, 1902.]

**B**E it enacted by the King's Most Excellent Majesty, by and  
with the advice and consent of the Legislative Council and  
Legislative Assembly of Western Australia, in this present Parlia-  
ment assembled, and by the authority of the same, as follows:—

1. THE short title of this Act is the Light and Air Act, 1902. Short title.

2. EXCEPT as herein provided, after the passing of this Act  
no tenement shall become servient to any other in respect of the  
access of either light or air, and no person shall have or acquire, by  
prescription, grant, or otherwise, any claim or right to the access of  
light or air to any land or building from or over the land of any  
other person :

Access or use of  
light or air.

Provided

*Light and Air.*

Provided that nothing in this Act contained shall prejudice or affect any easement or right to access or use of either light or air now existing, or acquired by prescription or otherwise, prior to the passing of this Act:

Provided further, that a grant of the right of access of light or air made at any time after the passing of this Act may be enforced if—

- (a.) Such grant be made by deed duly executed and registered;
- (b.) Such grant shall provide that the benefit thereof shall inure for a term not exceeding twenty-one years, and no longer.

Applicat on.

3. THIS Act shall apply to all lands in the State of Western Australia, including lands held by or on behalf of His Majesty, his heirs and successors.

Law relating to  
pollution of air  
not affected.

4. NOTHING in this Act shall be deemed to repeal or affect any law or statute relating to the pollution of air.

Repeal.

5. SECTION three of the Imperial Act, passed in the second and third years of King William the Fourth, Chapter seventy-one, intituled the Prescription Act, 1832, shall cease to have operation within Western Australia on and after the passing of this Act.

In the name and on behalf of the King I hereby assent to this Act.

ARTHUR LAWLEY, Governor.



## Western Australia.

ANNO PRIMO ET SECUNDO

EDWARDI VII. REGIS.

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No. XXX.

AN ACT to prevent the use of Trading-stamps.

[*Governor's assent reserved.*]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. THE short title of this Act is the Trading-stamps Abolition Act, 1902.

Short title.

2. IN this Act, if not inconsistent with the context,—

“Sale” includes the exchange or other disposition of any property.

Interpretation.

“Trader” means any person, firm, or company carrying on any business who issues trading-stamps to customers.

“Trading-stamp”

*Trading-stamps Abolition.*

“Trading-stamp” includes any stamp, coupon, cover, package, document, means, or device issued by any trading-stamp company, or by any trader, which entitles the holder thereof to demand and receive from any trading-stamp company any money or goods.

“Trading-stamp company” means and includes any person, firm, or company who supplies any trading stamps to any trader, and undertakes to redeem the same by giving or delivering to the holder thereof any money or goods.

Trading-stamps  
abolished.

3. (1.) NO person shall, after the commencement of this Act, issue any trading-stamps to any person.

(2.) No person shall give or deliver any money or goods on presentation of any trading-stamp issued after the commencement of this Act.

(3.) Any person who contravenes any of the provisions of this section shall be liable to a penalty not exceeding Ten pounds.

(4.) For the purposes of this section, the person on whose behalf any sale is made by an agent, assistant, or apprentice shall be deemed to be the person who effected the sale; and such agent, assistant, or apprentice shall be liable to the same penalty as the person on whose behalf the sale was made.

Trading-stamps  
issued prior to Act.

4. WITH respect to any trading stamps issued before the commencement of this Act, the following provision shall apply:—If such trading stamps have been issued by the trader to any person, the trading-stamp company shall be liable to give or deliver to the holder thereof cash to the value of fourteen shillings in the pound for every full book of stamps, or relatively to the cash value of stamps in such book, or goods to an equal value, at the option of the trading-stamp company. If the trading-stamp company fails or refuses to observe and perform the liability imposed on such trading-stamp company by this section, the holder may recover from such company, in any Court of competent jurisdiction, payment of the cash value of the stamps held and presented by such holder.



## Western Australia.

ANNO PRIMO ET SECUNDO

EDWARDI VII. REGIS.

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### *PRIVATE ACT.*

AN ACT to amend the Ordinance 22nd Victoria, No. 4, and the Roman Catholic Church Lands Act, 1895, and to enable the Bishop, for the time being, of each Diocese of the Roman Catholic Church to exercise, in respect of the lands within his Diocese, the powers granted by the said Act.

*[Assented to, 19th February, 1902.]*

**W**HEREAS at the respective times of the passing of the said Ordinance and Act there was only one Roman Catholic diocese in Western Australia embracing the whole of the State, and one Bishop administering the ecclesiastical affairs of the Roman Catholic Church in Western Australia: And whereas the State is now divided into two dioceses, viz.. the dioceses of Perth and Geraldton, and other dioceses may hereafter be created in the said State: And it is expedient that the lands and premises of the said church within each diocese should be vested in the Bishop for the time being of the diocese: And that such Bishop should be enabled to

Preamble.

to

*Roman Catholic Church Lands—Amendment.*

to exercise in respect of all buildings, lands, and premises situate within his diocese and belonging to the Roman Catholic Church the powers granted by the said Roman Catholic Church Lands Act, 1895: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. THIS Act may be cited as the Roman Catholic Church Lands Amendment Act, 1902.

Lands in the diocese of Geraldton vested in the Bishop thereof.

2. ALL the estate and interest in all buildings, lands, and premises belonging to the Roman Catholic Church, situate within the diocese of Geraldton, shall, without the necessity of any formal deed of assurance or transfer, from the time of the passing of this Act absolutely and indefeasibly vest in the Bishop of Geraldton and his successors in the said office, subject to the trusts mentioned and contained in the several deeds or other assurances in the law affecting the same.

Lands in any new diocese to vest in the bishop thereof.

3. HEREAFTER on the creation of a new diocese of the Roman Catholic Church, and the appointment of a bishop thereof, all the buildings, lands, and premises belonging to the said Church, situate within such new diocese, shall, without the necessity of any formal deed of assurance or transfer, vest absolutely and indefeasibly in such bishop and his successors in office, subject to the trusts in the several deeds or other assurances in the law affecting the same; and the estate and interest in all buildings, lands, and premises situate within a diocese which may hereafter be given, granted, or transferred by the Crown, or any person or persons, for Roman Catholic Church purposes, shall vest and be vested in the bishop, and his successors in office, of the diocese within which such buildings, lands, and premises are situate, under and subject to such trusts as may be imposed by the donors, grantors, or transferrors thereof.

Lands hereafter given or granted or transferred for church purposes to be vested in bishop of diocese in which such lands situated.

Lands in the diocese of Perth to continue vested in the bishop of Perth.

4. SUBJECT to the provisions of this Act all buildings, lands, and premises situate in the diocese of Perth, and belonging to the Roman Catholic Church, shall continue vested in the bishop of the diocese of Perth, or his successors in office, subject to the trusts affecting the same.

Powers conferred by the Roman Catholic Church Lands Act, 1895, may be exercised by the bishop of any diocese in respect of lands situate within his diocese.

5. ALL or any of the powers and authorities granted by the Roman Catholic Church Lands Act, 1895, to the bishop for the time being administering the ecclesiastical affairs of the Roman Catholic Church in Western Australia, and his successors in office, may from time to time be exercised by the bishop of the diocese in respect

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*Roman Catholic Church Lands—Amendment.*

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respect of the lands vested in him within his diocese. but subject always to the provisions of the said Act and the obligations, restrictions, and exceptions therein contained.

6. NO purchaser, mortgagee, or lessee shall be bound to inquire whether the buildings, lands, and premises to be affected by any dealing or dealings are within the diocese of the bishop exercising, or purporting to exercise any of the aforesaid powers and authorities with respect to lands vested in him, nor as to the appointment of such bishop, nor be affected by notice that the person purporting to exercise any such powers or authorities has not been duly and properly appointed the bishop of the diocese.

Protection to purchasers and others.

7. THIS Act shall be incorporated and read together with the Roman Catholic Church Lands Act, 1895.

Incorporation.

In the name and on behalf of the King I hereby assent  
to this Act.

ARTHUR LAWLEY; Governor.





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T A B L E O F

STATUTES OF WESTERN AUSTRALIA

*IN FORCE OR PARTLY IN FORCE,*

*At the end of the First Session of the Fourth Parliament held in 1901-1902.*

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# T A B L E O F

## STATUTES OF WESTERN AUSTRALIA

### IN FORCE OR PARTLY IN FORCE

*At the end of the First Session of the Fourth Parliament held in 1901-1902.*

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PRAWNS	...	...	...	...	1 & 2 Edwd. VII., 17	1902
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PRESBYTERIAN CHURCH	...	...	...	...	1 Edwd. VII., 4	1901
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PREVENTION OF CRIMES	...	...	...	...	62 Vict., 13	1898
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## PRISONS

Rottneft	...	...	...	...	4 and 5 Vict., 21	1841-2
Regulating	...	...	...	...	12 Vict., 7	1849
Amendment	...	...	...	...	21 Vict., 12	1857

**PRISONS—(continued).**

Amendment	...	...	...	1 & 2 Edwd. VII., 3	1902
Fremantle	...	...	...	14 Vict., 22	1850
Shifting Prisoners	...	...	...	58 Vict., 10	1894
Discipline in cases of Murder	6 and 7 Gul. IV., c. 30, as adopt d by 7 Vict., 13				1844
<b>PRIMOGENITURE ABOLISHED</b>	...	...	...	57 Vict., 9	1893
<b>PRIVATE PROPERTY, Mining on</b>	...	...	...	62 Vict., 29	1898
Amendment	...	...	...	63 Vict., 31	1899
<b>PROBATE</b>					
Court of Probate	...	...	...	24 Vict., 15	1860
, Foreign	...	...	...	43 Vict., 5	1879
, Intercolonial	...	...	...	53 Vict., 20	1889
<b>PROOF OF ACTS OF PARLIAMENT</b>	...	...	...	63 Vict., 9	1899
<b>PROOF OF DOCUMENTS AND SEALS</b>	...	...	...	63 Vict., 9	1899
<b>PROTECTION OF ABORIGINAL NATIVES</b>	...	...	...	61 Vict., 5	1897
<b>PROTECTION OF PROPERTY</b>	...	...	...	64 Vict., 19	1900
<b>PUBLIC HEALTH</b>	...	...	...	62 Vict., 24	1898
Amendment	...	...	...	64 Vict., 25	1900
Amendment	...	...	...	1 & 2 Edwd. VII., 23	1902
<b>PUBLIC SERVICE</b>	...	...	...	64 Vict., 21	1900
<b>PURCHASE AGRICULTURAL LANDS</b>	...	...	...	62 Vict., 20	1898
<b>QUARANTINE</b>	...	...	...	32 Vict., 12	1868
	...	...	...	52 Vict., 7	1888
Amendment	...	...	...	62 Vict., 24	1898
, Plants and Fruit	...	...	...	62 Vict., 27	1898
<b>QUARTER SESSIONS</b>	...	...	...	9 Vict., 4	1846
perpetuated by	...	...	...	12 Vict., 2	1849
(Kimberley)	...	...	...	50 Vict., 27	1886
<b>RABBITS</b>	...	...	...	47 Vict., 15	1883
Amendment	...	...	...	49 Vict., 15	1885
<b>RAILWAYS ACT</b>	...	...	...	42 Vict., 31	1878
Amendment	...	...	...	44 Vict., 17	1881
Amendment—By-laws, Compensation	...	...	...	43 Vict., 10	1879
Amendment	...	...	...	60 Vict., 34	1896
Amendment—Compensation	...	...	...	60 Vict., 42	1896
Amendment	...	...	...	61 Vict., 32	1897
	...	...	...	64 Vict., 24	1900
Refreshment Rooms	...	...	...	44 Vict., 21	1880
	...	...	...	59 Vict., 15	1895
Costs of Arbitration	...	...	...	46 Vict., 17	1882
Railway Servants	...	...	...	51 Vict., 1	1887
Accidents	...	...	...	53 Vict., 1	1889
Powers of Commissioner	...	...	...	55 Vict., 34	1892
Perth Railway Crossings	...	...	...	56 Vict., 6	1893
Arbitration	...	...	...	57 Vict., 17	1893
Plans of Proposed Railways—Unpaid Freights	...	...	...	58 Vict., 22	1894
Private Railways, Carriage of Mails	...	...	...	64 Vict., 26	1900
<b>RAILWAYS CONSTRUCTION</b>					
Owen's Anchorage—Fremantle	...	...	...	61 Vict., 31	1897
Rocky Bay and Rous Head	...	...	...	63 Vict., 51	1899
<b>Eastern Railway</b>					
Fremantle-Guildford...	...	...	...	42 Vict., 27	1878
Bayswater-Perth Racecourse	...	...	...	60 Vict., 41	1896
Guildford-Chidlow's Well	...	...	...	44 Vict., 18	1880
Chidlow's Well-York	...	...	...	46 Vict., 16	1882
Amendment	...	...	...	47 Vict., 9	1883
	...	...	...	57 Vict., 29	1893

## RAILWAY CONSTRUCTION—(continued).

Eastern Railway—continued.						
York-Beverley	...	...	...	...	49 Vict., 5	1885
York-Greenhills	...	...	...	...	60 Vict., 39	1896
Clackline-Newcastle	...	...	...	...	51 Vict., 11	1887
Spencer's Brook-Northam	...	...	...	...	50 Vict., 3	1886
Northam-Goomalling	...	...	...	...	63 Vict., 29	1899
Yilgarn Railway						
Northam-Southern Cross	...	...	...	...	55 Vict., 12	1892
Southern Cross-Coolgardie	...	...	...	...	58 Vict., 25	1894
Coolgardie-Kalgoorlie	...	...	...	...	59 Vict., 19	1895
Kalgoorlie-Kanowna	...	...	...	...	60 Vict., 37	1896
Kalgoorlie-Menzie's	...	...	...	...	60 Vict., 44	1896
Kalgoorlie-Gnumballa Lake and Boulder Townsite Loop	...	...	...	...	61 Vict., 18	1897
Menzie's-Leonora	...	...	...	...	63 Vict., 30	1899
South-Western Railway						
Bayswater-Bunbury	...	...	...	...	54 Vict., 14	1891
Bunbury-Boyanup	...	...	...	...	51 Vict., 4	1887
Bunbury Racecourse	...	...	...	...	61 Vict., 16	1897
Boyanup-Busselton	...	...	...	...	55 Vict., 2	1892
Boyanup-Minninup	...	...	...	...	55 Vict., 4	1892
Collie Coalfields	...	...	...	...	59 Vict., 33	1895
Collie Quarry	...	...	...	...	61 Vict., 17	1897
Donnybrook-Bridgetown	...	...	...	...	59 Vict., 32	1895
Midland Railway						
Guildford-Greenough	...	...	...	...	50 Vict., 24	1886
Midland Railway Loan Authorisation	...	...	...	...	56 Vict., 19	1893
Northern Railway						
Geraldton-Greenough	...	...	...	...	50 Vict., 2	1886
Geraldton-Northampton	...	...	...	...	37 Vict., 21	1873
Amendment	...	...	...	...	51 Vict., 22	1887
Geraldton-Mullewa	...	...	...	...	55 Vict., 19	1892
Mullewa-Cue	...	...	...	...	58 Vict., 24	1894
Cue-Nannine	...	...	...	...	60 Vict., 33	1896
Great Southern Railway						
Beverley-Albany	...	...	...	...	48 Vict., 21	1884
...	...	...	...	...	51 Vict., 30	1887
And see "Loans"						
Kalgoorlie-Gnumballa	...	...	...	...	64 Vict., 41	1900
RATES, Validation of Boulder Local Board of Health					64 Vict., 49	1900
REAL PROPERTY						
Amendment of the Law 8 and 9 Vict., cc. 106, 119, 124, as adopted by					12 Vict., 21	1849
23 and 24 Vict., c. 38, as adopted by					31 Vict., 8	1867
Debts	...	...	3 and 4 Gul. IV., c. 104, as adopted by	6 Gul. IV., 4	...	1835
...	...	...	...	25 Vict., 8	...	1861
...	...	...	...	29 Vict., 8	...	1865
...	...	...	...	57 Vict., 9	...	1893
Conveyance by Bargain and Sale					2 Gul. IV., 7	1831
Registration of					19 Vict., 14	1856
Simple Statutory Form of 8 and 9 Vict., c. 106, as adopted by					12 Vict., 21	1849
Deeds, Registration of					19 Vict., 14	1855
Devolution assimilated to Personalty					57 Vict., 9	1893
Disentailing Assurance					2 Gul. IV., 7	1831
Forms of Equitable Mortgage and Conveyance					2 Gul. IV., 7	1831
Amendment					19 Vict., 3	1855
Grants of Land to Deceased Persons					21 Vict., 8	1857
Judgment against Real Property					23 and 24 Vict., c. 38, as adopted by 31 Vict., 8	1867
Lease and Release superseded					7 Vict., 4	1844

**REAL PROPERTY--(continued).**

Limitation of Actions	...	3 and 4 Gul. IV., c. 27, as adopted by	6 Gul. IV., 4	1835
Amendment	...	...	42 Vict., 6	1878
Married Women's Property	...	...	55 Vict., 20	1892
...	...	...	59 Vict., 22	1895
Partition	...	...	42 Vict., 1	1878
Contingent Remainders	...	...	42 Vict., 2	1878
Quieting of Titles	...	...	7 Vict., 9	1844
Amendment	...	...	24 Vict., 3	1860
Registration of Deeds	...	...	19 Vict., 14	1856
Settled Estates	...	...	55 Vict., 10	1892
Sheriff's Bill of Sale	...	...	25 Vict., 8	1861
Transfer of Land Act	...	...	56 Vict., 14	1893
Amendment	...	...	60 Vict., 22	1896
Trustees	...	...	64 Vict., 17	1900
, Exchange by	...	...	16 Vict., 17	1852
, Relief of	...	22 and 23 Vict., c. 38, as adopted by	31 Vict., 8	1867
Trustees and Mortgagees	...	...	17 Vict., 10	1853
...	...	23 and 24 Vict., c. 145, as adopted by	31 Vict., 8	1867
Vendor and Purchaser	...	...	42 Vict., 10	1878
...	...	...	43 Vict., 3	1879
Wills	...	...	...	...
Construction of	...	...	34 Vict., 1	1871
RECOGNISANCES, Forfeiture of	...	...	25 Vict., 5	1861
...	...	...	43 Vict., 13	1879
RECRUITING	...	...	...	...
Foreign	...	...	38 Vict., 16	1874
(see Criminal Code)	...	...	...	...
REFORMATORIES AND INDUSTRIAL SCHOOLS	...	...	38 Vict., 11	1874
Amendments	...	...	41 Vict., 7	1877
...	...	...	46 Vict., 20	1882
...	...	...	56 Vict., 5	1893
REGISTRATION	...	...	...	...
Bills of Sale	...	...	63 Vict., 45	1899
Births, Deaths, and Marriages	...	...	58 Vict., 16	1894
Amendment	...	...	64 Vict., 31	1900
Companies	...	...	56 Vict., 8	1893
Amendment	...	...	60 Vict., 2	1896
Local, of Foreign	...	...	61 Vict., 35	1897
of Shareholders	...	...	62 Vict., 28	1898
Deeds, Wills, Judgments, Conveyances	...	...	19 Vict., 14	1855
...	...	...	31 Vict., 8	1867
Employment Brokers	...	...	61 Vict., 24	1897
Firms	...	...	61 Vict., 14	1897
...	...	...	63 Vict., 26	1899
Mines	...	...	63 Vict., 49	1899
Newspapers	...	...	48 Vict., 12	1884
Patents and Trade Marks...	...	...	48 Vict., 7	1884
...	...	...	52 Vict., 5	1887
...	...	...	55 Vict., 15	1892
...	...	...	58 Vict., 4	1894
...	...	...	56 Vict., 14	1893
Title to Land	...	...	...	...
REGULATION OF TRADE UNIONS	...	...	1 & 2 Edwd. VII., 19	1902
RELIGIOUS BODIES	...	...	...	...
Church Building and Maintenance of Ministers	...	...	4 Vict., 6	1841
Amendments	...	...	6 Vict., 7	1843
...	...	...	7 Vict., 16	1844
Church of England	...	...	...	...
Synod	...	...	49 Vict., 19	1885

**RELIGIOUS BODIES—(continued).****Church of England—(continued).**

Diocesan Trustees	...	...	...	...	52 Vict., 2	1888
...	...	...	...	Private Act (2)	56 Vict.,	1893
Empowering Sale of certain Lands	...	...	...	Private Act (1)	60 Vict.,	1896
Congregationalists	...	...	...	...	18 Vict., 16	1854
Wesleyan Methodists	...	...	...	Private Act (2) of	59 Vict.,	1895
Presbyterians	...	...	...	...	48 Vict., 20	1884
"	...	...	...	...	1 Edwd. VII., 4	1901
Roman Catholics	...	...	...	...	22 Vict., 4	1858
Abolition of Parliamentary Grant to Certain Religious Bodies	...	...	...	...	59 Vict., 25	1895
Incorporation of Religious and Other Bodies	...	...	...	...	59 Vict., 20	1895
Enabling Roman Catholics to Mortgage Church Lands.	Private	...	...	...	...	...
Act (1)	...	...	...	...	59 Vict.,	1895
RENTS, Apportionment of	...	...	...	...	54 Vict., 8	1891
Distress for, Lodgers Goods	...	...	...	...	62 Vict., 2	1898
REPRESENTATIVES, Members of House of Federal	...	...	...	...	64 Vict., 5	1900
...	...	...	...	...	64 Vict., 6	1900
RESERVES AND PARKS, Controlling	...	...	...	...	59 Vict., 30	1895
Reserves, Permanent	...	...	...	...	63 Vict., 24	1899
Amendment	...	...	...	...	1 & 2 Edwd. VII., 15	1902
RESUMPTION OF LANDS	...	...	...	...	...	...
within Towns	...	...	...	...	17 Vict., 6	1854
by Commissioner of Railways	...	...	...	...	42 Vict., 31	1878
...	...	...	...	...	43 Vict., 10	1879
...	...	...	...	...	44 Vict., 17	1881
...	...	...	...	...	46 Vict., 17	1882
...	...	...	...	...	57 Vict., 17	1893
by Commissioner of Crown Lands	...	...	...	...	...	...
...	...	...	...	...	58 Vict., 33	1894
Amendment	...	...	...	...	64 Vict., 30	1900
...	...	...	...	...	60 Vict., 42	1896
REVENUE, CONSOLIDATED, Application of	...	...	...	...	62 Vict., 1-6-12	1898
...	...	...	...	...	63 Vict., 1	1899
...	...	...	...	...	64 Vict., 1-4	1900
ROADS BOARDS, Carts and Carriage Licenses	...	...	...	...	40 Vict., 5	1876
ROADS ACT	...	...	...	...	52 Vict., 16	1888
Amendments	...	...	...	...	52 Vict., 22	1888
...	...	...	...	...	58 Vict., 17	1894
ROADS, Closure of (see "Streets").	...	...	...	...	...	...
ROTTNEST	...	...	...	...	...	...
a Prison	...	...	...	...	4 and 5 Vict., 21	1841-2
ROYAL COMMISSIONER'S POWERS	...	...	...	...	1 & 2 Edwd. VII., 28	1902
SALE OF CROWN LANDS	...	...	...	...	62 Vict., 37	1898
, Wine, Beer, and Spirits (see "Licensing Laws").	...	...	...	...	...	...
, Liquors	...	...	...	...	63 Vict., 4	1899
SANDALWOOD	...	...	...	...	...	...
, Removal of, from Crown Lands	...	...	...	...	62 Vict., 37	1898
...	...	...	...	...	46 Vict., 3	1882
, Repeal of Export Duty upon	...	...	...	...	59 Vict., 1	1895
SAND-DRIFT	...	...	...	...	53 Vict., 5	1889
Geraldton	...	...	...	...	36 Vict., 10	1872
SAVINGS BANK	...	...	...	...	57 Vict., 3	1893
Rate of Interest	...	...	...	...	59 Vict., 5	1895
Amendment	...	...	...	...	64 Vict., 10	1900
Amendment of Act of 1893	...	...	...	...	60 Vict., 15	1896
SCHOOLS, ELEMENTARY (see "Education").	...	...	...	...	...	...



SEALS, OFFICIAL, Proof of	...	...	...	...	63 Vict., 9	1899
SEAMEN, Relief to	...	...	...	...	34 Vict., 2	1870
	...	...	...	...	44 Vict., 1	1880
(Foreign) Offences by	...	...	...	...	42 Vict., 19	1878
of Royal Navy. Desertion	...	...	...	...	51 Vict., 9	1887
SEATS for Shop Assistants	...	...	...	...	63 Vict., 52	1899
SERVICE, PUBLIC	...	...	...	...	64 Vict., 21	1900
SETTLED LAND ACT	...	...	...	...	55 Vict., 10	1892
SHEEP						
Inspection	...	...	...	...	52 Vict., 11	1888
Scab	...	...	...	...	54 Vict., 16	1891
Amendments	...	...	...	...	56 Vict., 13	1893
	...	...	...	...	58 Vict., 27	1894
SHERIFF, Office of	...	...	...	...	2 Gul. IV., 3	1832
Bill of Sale of Real or Personal Property	...	...	...	...	25 Vict., 8	1861
SHIPPING, Survey of Merchantmen	...	...	...	...	41 Vict., 14	1877
SHOPS, Closure of	...	...	...	...	1 & 2 Edwd. VII., 24	1902
Shop Assistants, Seats for	...	...	...	...	63 Vict., 52	1899
SHORTENING ORDINANCE						
Repeal and Re-enactment	...	...	...	...	62 Vict., 30	1898
SIGNATURES, OFFICIAL, Proof of	...	...	...	...	63 Vict., 9	1899
SINKING FUND (see "Loan and Inscribed Stock").						
SLANDER OF WOMEN	...	...	...	...	64 Vict., 36	1900
SLUICING AND DREDGING FOR GOLD	...	...	...	...	63 Vict., 43	1899
STAMP ACT	...	...	...	...	46 Vict., 6	1882
Amendment	...	...	...	...	57 Vict., 31	1893
STANDARD TIME	...	...	...	...	59 Vict., 2	1895
STATISTICS						
Industrial	...	...	...	...	61 Vict., 26	1897
STATUTORY DECLARATIONS	...	...	...	...	63 Vict., 37	1899
STEAM BOILERS	...	...	...	...	61 Vict., 22	1897
STOCK						
Branding	...	...	...	...	45 Vict., 7	1881
(Sheep)	...	...	...	...	46 Vict., 18	1882
(Camels, &c.)	...	...	...	...	49 Vict., 3	1885
Droving	...	...	...	...	58 Vict., 34	1894
Exported Horses	...	...	...	...	38 Vict., 3	1874
Imported Stock						
Infectious Diseases	...	...	...	...	59 Vict., 34	1895
Inspection	...	...	...	...	52 Vict., 11	1888
Stock Tax	...	...	...	...	62 Vict., 5	1898
Sheep (scab)	...	...	...	...	54 Vict., 16	1891
	...	...	...	...	56 Vict., 13	1893
	...	...	...	...	58 Vict., 27	1894
Trespass	...	...	...	...	46 Vict., 7	1882
Wild Horses	...	...	...	...	34 Vict., 24	1870
Amendments	...	...	...	...	42 Vict., 14	1878
	...	...	...	...	47 Vict., 23	1883
Repeal of Duty	...	...	...	...	64 Vict., 3	1900
STOCK, LOCAL INSCRIBED	...	...	...	...	61 Vict., 8	1897
	...	...	...	...	62 Vict., 11	1898
STREETS, TERRACES, &c.						
Alignment of	...	...	...	...	8 Vict., 8	1845
Boundary Posts	...	...	...	...	16 Vict., 16	1852

## STREETS, ETC., CLOSURE OR EXTENSION OF—(continued).

Albany						
Spencer Street	...	...	...	...	32 Vict., 7	1868
certain Streets	...	...	...	...	64 Vict., 47	1900
part of Marine Terrace	...	...	...	...	1 & 2 Edwd. VII., 12	1902
Avon Location 28, Road N.W. of	...	...	...	...	60 Vict., 9	1896
Bardoc						
part of Wells Street	...	...	...	...	61 Vict., 29	1897
part of certain Streets, as scheduled	...	...	...	...	62 Vict., 14	1898
Beverley						
part of Taylor Street	...	...	...	...	62 Vict., 14	1898
Bridgetown						
area in Townsite, as scheduled	...	...	...	...	61 Vict., 29	1897
Avon Location 188, Road S.E. of	...	...	...	...	60 Vict., 9	1896
Broad Arrow						
Yabsley Street	...	...	...	...	64 Vict., 47	1900
Bunbury						
parts of certain Streets, as scheduled	...	...	...	...	58 Vict., 31	1894
...	...	...	...	...	61 Vict., 29	1897
part of Wittenoom Street	...	...	...	...	62 Vict., 14	1898
Busselton						
Albert and Peel Streets	...	...	...	...	58 Vict., 14	1894
Stanley, Prince, and Albert Streets	...	...	...	...	60 Vict., 16	1896
Vines Street	...	...	...	...	45 Vict., 14	1881
Capel						
parts of certain Streets	...	...	...	...	63 Vict., 22	1899
Carnarvon						
part of certain Streets, as scheduled	...	...	...	...	62 Vict., 14	1898
Chidlow's Well						
parts of certain Streets, as scheduled	...	...	...	...	61 Vict., 29	1897
Cookernup						
parts of certain Streets	...	...	...	...	63 Vict., 22	1899
Coolgardie						
parts of certain Streets, as scheduled	...	...	...	...	61 Vict., 29	1897
part of Lyon Street	...	...	...	...	62 Vict., 14	1898
part of certain Streets	...	...	...	...	63 Vict., 22	1899
Cue						
part of Vulcan Street	...	...	...	...	62 Vict., 14	1898
Fremantle						
parts of certain Streets, as scheduled	...	...	...	...	41 Vict., 6	1877
Collie Street	...	...	...	...	25 Vict., 1	1861
Amendment	...	...	...	...	25 Vict., 14	1861
Essex Street	...	...	...	...	21 Vict., 4	1857
Stirling Street	...	...	...	...	58 Vict., 7	1894
parts of certain Streets, as scheduled	...	...	...	...	62 Vict., 14	1898
...	...	...	...	...	62 Vict., 33	1898
...	...	...	...	...	63 Vict., 22	1899
certain Streets	...	...	...	...	64 Vict., 47	1900
Fremantle, East						
part of certain Streets	...	...	...	...	63 Vict., 22	1899
part of a Road unnamed	...	...	...	...	1 & 2 Edwd. VII., 12	1902
Fremantle, North						
Lilburn Road, Pensioner Road, and an unnamed Street	...	...	...	...	60 Vict., 9	1896
John Street	...	...	...	...	61 Vict., 29	1897
Water Street	...	...	...	...	64 Vict., 48	1900
parts of certain Streets	...	...	...	...	63 Vict., 22	1899
Gingin						
parts of certain Streets	...	...	...	...	63 Vict., 22	1899

## STREETS, ETC., CLOSURE OR EXTENSION OF—(continued).

Guildford						
Drummond Street	...	...	...	...	50 Vict., 22	1886
Terrace Road	...	...	...	...	44 Vict., 15	1880
Waylen Street	...	...	...	...	34 Vict., 3	1870
Greenmount						
Sub. Lots 119, 120	...	...	...	...	60 Vict., 17	1896
Helena Vale						
parts of certain Streets, as scheduled	...	...	...	...	62 Vict., 14	1898
(near) parts of certain Streets	...	...	...	...	63 Vict., 22	1899
Kalgoorlie						
part of Wittenoom Street	...	...	...	...	62 Vict., 14	1898
certain Streets	...	...	...	...	64 Vict., 47	1900
Kanowna						
parts of certain Streets, as scheduled	...	...	...	...	62 Vict., 14	1898
Katanning						
Harris Street	...	...	...	...	64 Vict., 47	1900
Kelmscott						
part of certain Streets	...	...	...	...	63 Vict., 22	1899
Lake Side						
certain Streets, as scheduled	...	...	...	...	62 Vict., 14	1898
Malcolm						
part of Richmond, Windsor, Dover, and an unnamed Street	...	...	...	...	1 & 2 Edwd. VII., 12	1902
Marble Bar						
General Street	...	...	...	...	60 Vict., 17	1896
Moojebing						
Brassey Terrace	...	...	...	...	64 Vict., 47	1900
Mount Barker						
part of an unnamed Street	...	...	...	...	1 & 2 Edwd. VII., 12	1902
Mullewa						
Davis Road	...	...	...	...	60 Vict., 16	1896
Narrogin						
parts of certain Streets	...	...	...	...	63 Vict., 22	1899
Newcastle						
certain Streets and parts of certain Streets, as scheduled	...	...	...	...	1 & 2 Edwd. VII., 12	1902
Niagara						
part of certain Streets, as scheduled	...	...	...	...	1 & 2 Edwd. VII., 12	1902
Norseman						
part of Morgan Street	...	...	...	...	62 Vict., 14	1898
part of certain Streets	...	...	...	...	63 Vict., 22	1899
parts of certain Streets, as scheduled	...	...	...	...	1 & 2 Edwd. VII., 12	1902
Northam						
part of certain Streets, as scheduled	...	...	...	...	62 Vict., 14	1898
Perth						
Beaufort and Stirling Streets	...	...	...	...	56 Vict., 6	1893
Bellevue Terrace and Park Road (Perth Park)	...	...	...	...	60 Vict., 23	1896
Brook, King, and Stokes Streets	...	...	...	...	39 Vict., 7	1875
Brown Street (part)	...	...	...	...	62 Vict., 14	1898
Edward Street (part)	...	...	...	...	60 Vict., 9	1896
Havelock Street (part)	...	...	...	...	62 Vict., 14	1898
Kensington Lane	...	...	...	...	57 Vict., 23	1893
...	...	...	...	...	60 Vict., 9	1896
Milligan and Prince Streets, Albert Square, and part of St. George's Terrace	...	...	...	...	27 Vict., 13	1863
Parry Street	...	...	...	...	62 Vict., 14	1898

## STREETS, ETC., CLOSURE OR EXTENSION OF—(continued).

Perth— <i>continued</i> .					
Pier Street	...	...	...	22 Vict., 8	1858
Sampson Street (part)	...	...	...	62 Vict., 14	1898
Small Street (part)	...	...	...	62 Vict., 14	1898
St. George's Terrace	...	...	...	28 Vict., 9	1864
St. George's Terrace (part of)	...	...	...	63 Vict., 22	1899
Irene and Lincoln Streets (portion of)	...	...	...	64 Vict., 47	1900
Bellevue Terrace	...	...	...	64 Vict., 47	1900
Swan Locations R and R 1, Road between	...	...	...	60 Vict., 9	1896
Pingelly					
Pemberton Lane	...	...	...	62 Vict., 14	1898
Stone, Box, and Queen Streets	...	...	...	64 Vict., 47	1900
Pinwernying					
part of certain Streets	...	...	...	63 Vict., 22	1899
Southern Cross					
(right-of-way)	...	...	...	64 Vict., 47	1900
Toodvay					
Francis Street	...	...	...	64 Vict., 47	1900
part of an unnamed Street	...	...	...	1 & 2 Edwd. VII., 12	1902
Victoria Park					
Cashel Street	...	...	...	64 Vict., 46	1900
Colombo Street	...	...	...	64 Vict., 46	1900
Wagin					
part of Unicorn Street	...	...	...	63 Vict., 22	1899
Wyndham					
Gambier Street (part)	...	...	...	62 Vict., 14	1898
Wonnerup					
parts of certain Roads, as scheduled	...	...	...	55 Vict., 26	1892
Garlongup Road (part)	...	...	...	62 Vict., 14	1898
York					
Avon Terrace	...	...	...	60 Vict., 9	1896
Seventh and Eighth Streets	...	...	...	48 Vict., 11	1884
part of Macartney Street	...	...	...	63 Vict., 22	1899
SUITS, CROWN	...	...	...	62 Vict., 9	1898
SUMMARY JURISDICTION ( <i>see</i> "Criminal Law").					
SUPPLY, 1895-1896	...	...	...	59 Vict., 6	1895
SUPREME COURT					
Administration of Justice	3 and 4 Gul. IV., c. 42, as adopted by	6 Gul. IV. 4	...	1835	
Supreme Court Acts	...	24 Vict., 15	...	1860	
...	...	44 Vict., 10	...	1880	
Court of Appeal	...	50 Vict., 28	...	1886	
Majority of Court to prevail	...	53 Vict., 15	...	1889	
Rules and Fees	...	55 Vict., 11	...	1892	
2nd Puisne Judge	...	55 Vict., 17	...	1892	
Criminal Appeal	...	57 Vict., 8	...	1893	
Arbitration	...	59 Vict., 13	...	1895	
Criminal Sitzings	...	63 Vict., 7	...	1899	
SURVEY OF MERCHANT SHIPS—Costs of					
...	...	41 Vict., 14	...	1877	
SURVEYORS, Licensed...					
...	...	59 Vict., 14	...	1895	
SWAN RIVER MECHANICS' INSTITUTE					
...	...	50 Vict., 30	...	1886	
TARIFF					
...	...	57 Vict., 11	...	1893	
Amendment	...	62 Vict., 5	...	1898	
Amendment	...	64 Vict., 3	...	1900	
Pearl Shells	...	50 Vict., 7	...	1886	
...	...	53 Vict., 9	...	1889	
...	...	59 Vict., 1	...	1895	

**TARIFF—(continued).**

Repeal of Duties on certain Materials and Merchandise	...	59 Vict., 8	1895
...	...	60 Vict., 13	1896
Unmanufactured Tobacco	...	60 Vict., 14	1896
See Also	...	1 Edwd. VII., 3	1901
<b>TELEGRAPHIC MESSAGES</b>			
, Property in	...	36 Vict., 7	1872
, as Evidence, &c.	...	38 Vict., 6	1874
...	...	41 Vict., 12	1877
...	...	51 Vict., 26	1887
<b>TELEGRAPHS AND TELEPHONES</b>			
...	...	57 Vict., 5	1893
THURSDAY ISLAND (Federal Reference Act)	...	50 Vict., 29	1886
TOLLS from Wharves, &c.	...	14 Vict., 7	1850
TOTALISATOR	...	47 Vict., 26	1883
Amendment	...	63 Vict., 32	1899
<b>TOWNS</b>			
, Boundaries within	...	8 Vict., 8	1845
...	...	8 Vict., 9	1845
...	...	16 Vict., 16	1852
...	...	48 Vict., 13	1884
Lands in. resumed by Crown	...	17 Vict., 6	1853
<b>TRADE MARKS</b>			
Registration	...	48 Vict., 7	1884
Amendment	...	50 Vict., 5	1886
...	...	58 Vict., 4	1894
, Fraudulent	...	52 Vict., 6	1888
<b>TRADE UNIONS</b>			
...	...	1 & 2 Edwd. VII., 19	1902
<b>TRAMWAYS</b>			
...	...	49 Vict., 23	1885
Perth	...	61 Vict., 30	1897
Amendment	...	63 Vict., 42	1899
Cossack-Roebourne	...	50 Vict., 4	1886
Subiaco	...	63 Vict., 27	1899
Fremantle Harbour Works and Tramway	...	56 Vict., 16	1893
Leederville	...	64 Vict., 42	1900
Kalgoorlie	...	64 Vict., 43	1900
Confirmation	...	1 & 2 Edwd. VII., 10	1902
Fremantle	...	64 Vict., 44	1900
Kalgoorlie Roads Board District	...	64 Vict., 45	1900
Carnarvon to Babbage Island	...	1 & 2 Edwd. VII., 13	1902
North Perth Confirmation	...	1 & 2 Edwd. VII., 26	1902
<b>TRANSFER OF LAND ACT</b>			
...	...	56 Vict., 14	1893
Amendment	...	60 Vict., 22	1896
<b>TREASURY BILLS</b>			
...	...	57 Vict., 2	1893
Amendment	...	61 Vict., 1	1897
<b>TRESPASS</b>			
on Crown Lands	...	62 Vict., 37	1898
(and see "Guano," "Sandalwood").	...	...	...
by Stock	...	46 Vict., 7	1882
Amendment	...	48 Vict., 16	1884
<b>TRUCK ACT</b>			
...	...	63 Vict., 15	1899
Amendment	...	64 Vict., 9	1900
<b>TRUSTEES</b>			
...	...	64 Vict., 17	1900
for Public Purposes, Exchange by	...	16 Vict., 17	1852
and Mortgagees	...	17 Vict., 10	1853
22 and 23 Vict., c. 35, and 23 and 24 Vict., cc. 38, 145, as adopted by	...	31 Vict., 8	1867

**TRUSTEES—(continued).**

of certain Public Bodies, Mortgages by	...	...	...	56 Vict., 7	1893
Executor and Agency Company, Limited	...	...	...	56 Vict. (Private Act)	1893
TRUST FUNDS, Investment of	...	...	...	64 Vict., 12	1900
TURF CLUB, Western Australian	...	...	...	55 Vict. (Private Act)	1892
UNIFORMS (see "Naval," "Military").					
UNIONS, TRADE	...	...	...	1 & 2 Edwd. VII., 19	1902
USURY	...	...	...	30 Vict., 1	1866
VACCINATION	...	...	...	42 Vict., 13	1878
VINES (see "Destructive Insects").					
VOLUNTEER FORCE (see "Military").					
WAGES (see "Master and Servant").					
WAGES OF WORKMEN, Payment of	...	...	...	62 Vict., 35	1898
Amendment	...	...	...	63 Vict., 15	1899
WARRANTS OF GOODS, Indorsement	...	...	...	62 Vict., 3	1898
WATER RESERVES	...	...	...	57 Vict., 20	1893
WATER SUPPLY					
Municipalities	...	...	...	55 Vict., 37	1892
Coolgardie Goldfields	...	...	...	62 Vict., 19	1898
Re-allocation	...	...	...	1 & 2 Edwd. VII., 11	1902
Crown Lands	...	...	...	57 Vict., 20	1893
Waterworks	...	...	...	53 Vict., 13	1889
Metropolitan	...	...	...	60 Vict., 19	1896
Amendment	...	...	...	62 Vict., 22	1898
"	...	...	...	63 Vict., 34	1899
Amendment	...	...	...	1 & 2 Edwd. VII., 27	1902
(Fremantle)	...	...	...	63 Vict., 53	1899
Peppermint Grove, Cottesloe, and Buckland Hill	...	...	...	63 Vict. (Private Act)	1899
WEEDS, NOXIOUS	...	...	...	64 Vict., 11	1900
WEIGHTS AND MEASURES	...	...	...	3 Gul. IV., 2	1832
Amendment	...	...	...	63 Vict., 11	1899
WEST AUSTRALIAN TRUSTEES, EXECUTORS, AND AGENCY CO., LTD.	...	...	...	56 Vict. (Private Act)	1893
WESTERN AUSTRALIAN BANK					
Continuation of Corporation and Extension of Powers (Private Act 2)	...	...	...	60 Vict.	1896
WHALING, &C., BY FOREIGNERS	...	...	...	24 Vict., 12	1860
WHARVES (see "Jetties").					
WHEEL TIRES, Apportioning width of	...	...	...	59 Vict., 39	1895
WHIPPING					
, Regulation of	...	...	...	48 Vict., 5	1884
(see also 10 and 11 Vict., c. 82, sect. 1; see vol. of Adopted Statutes 24 and 25 Vict., c. 96, sect. 9).	...	...	...	...	...
Punishment of	...	...	...	62 Vict., 13	1898
WILD CATTLE AND HORSES	...	...	...	34 Vict., 24	1870
	...	...	...	42 Vict., 14	1878
	...	...	...	47 Vict., 23	1883
WILLS	...	...	...	7 Gul. IV., and 1 Vict., c. 26, as adopted by 2 Vict., 1	1839
Amendment	...	...	...	18 Vict., 13	1854
Construction of	...	...	...	34 Vict., 1	1870
Registration of	...	...	...	19 Vict., 14	1856
Unproved (Federal Reference)	...	...	...	53 Vict., 20	1889

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**WINES, BEER, AND SPIRITS** (see "Licensing Law").

<b>WOMEN, Slander of</b> ...	...	...	...	...	...	64 Vict., 36	1900
<b>WORKMEN'S WAGES</b> ...	...	...	...	...	...	62 Vict., 35	1898
<b>WORKERS' COMPENSATION</b> ...	...	...	...	...	...	1 & 2 Edwd. VII., 5	1902
<b>WRECKS</b> ...	...	...	...	...	...	28 Vict., 2	1864
<b>Amendments</b> ...	...	...	...	...	...	35 Vict., 11	1871
... ..	...	...	...	...	...	40 Vict., 4	1876
<b>(Foreign)</b> ...	...	...	...	...	...	51 Vict., 6	1887
... ..	...	...	...	...	...	53 Vict., 18	1889
<b>ZOOLOGICAL GARDENS</b> ...	...	...	...	...	...	62 Vict., 32	1898

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# IMPERIAL ACTS OF PARLIAMENT

## ADOPTED AND UNREPEALED.

NOTE.—With the exception of those relating to Usury, and those repealed by the Criminal Code (1 & 2 Edwd. VII., No. 14), Schedule II., all Imperial Statutes of a general nature in force in England on 1st June, 1829 (10 Geo. IV.), prevail here to the extent to which they are applicable.

Since that date many Imperial Statutes have been followed word by word, and enacted by the Colonial Legislature. The subjoined table does not deal with these, but is an attempt to give a complete list of such Imperial Statutes as have been from time to time adopted by mere reference.

The practice and procedure of the Supreme Court are governed by the Rules framed in 1888, and amendments, under the provisions of 24 Vict., No. 15, sec. 31. Where no rule applies, the Imperial practice is followed.

IMPERIAL ACTS.		ADOPTED BY
11 Geo. iv. & 1 W. iv. c. 40.	{ As to undisposed of Residues of Testators' Effects }	{ 6 W. iv., No. 4.
11 Geo. iv. & 1 W. iv. c. 47.	{ For facilitating the payment of Debts out of Real Estate ... .. }	{ " }
11 Geo. iv. & 1 W. iv. c. 65.	{ As to Property of Infants, <i>Femes-covert</i> , Idiots, and Lunatics ... .. }	{ " }
1 & 2 W. iv. c. 4 ...	{ Abolishing Oaths and Affirmations in the Customs and Excise, &c., and substituting Declarations in lieu ... .. }	{ " }
2 & 3 W. iv. c. 62 ...	{ For abolishing the Punishment of Death in certain cases ... .. }	{ " }
2 & 3 W. iv. c. 71 ...	{ For shortening the time of Prescription in certain cases ... .. }	{ " }
2 & 3 W. iv. c. 98 ...	{ For regulating the protesting for Non-payment of Bills of Exchange in certain cases ... .. }	{ " }
3 & 4 W. iv. c. 27 ...	{ Limitation of Actions and Suits relating to Real Property, &c. ( <i>See</i> 42 Vict., No. 6) ... .. }	{ " }
3 & 4 W. iv. c. 42 ...	{ For further Amendment of the Law, and the better Advancement of Justice. (Amended by 59 Vict., No. 13) ... .. }	{ " }



IMPERIAL ACTS.	ADOPTED BY
3 & 4 W. iv. c. 49 ... Allowing Quakers and Moravians to make Affirmation ...	7 V. 13.
3 & 4 W. iv. c. 104 Making Real Estate Assets for the Payment of simple Contract Debts ...	6 W. iv., No. 4.
4 & 5 W. iv. c. 23 ... Amendment of the Law as to the Escheat and Forfeiture of Property held in Trust ...	7 V. 13.
4 & 5 W. iv. c. 26 ... To abolish the Practice of Hanging in Chains. (Sec. 2 only, repealed by 29 Vict., 5) ...	"
5 & 6 W. iv. c. 41 ... To amend the Law relating to Securities given for Considerations arising out of gaming, usurious, and other illegal Transactions ...	"
5 & 6 W. iv. c. 54 ... To render certain Marriages valid, and to alter the Law as to certain voidable Marriages ...	"
5 & 6 W. iv. c. 81 ... For abolishing Capital Punishment in Cases of Letter stealing and Sacrilege. (Part repealed by 29 Vict., 5) ...	"
6 & 7 W. iv. c. 4 ... To amend the above Act as to Letter stealing, &c. (Part repealed by 29 Vict., 5) ...	"
6 & 7 W. iv. c. 30 ... Respecting Prison Discipline in Cases of Murder ...	"
6 & 7 W. iv. c. 58 ... As to Presentment for Payment of dishonoured Bills of Exchange ...	"
6 & 7 W. iv. c. 111 To prevent the Fact of a Previous Conviction being given in Evidence to the Jury, except when Evidence to Character is given ...	"
6 & 7 W. iv. c. 114 To enable Persons indicted for Felony to make their Defence by Counsel or Attorney ...	"
1 V. c. 26 ... Amendment of the Laws with respect to Wills ...	2 V. 1.
1 V. c. 84 ... To abolish the Punishment of Death in certain Cases of Forgery. (Parts of ss. 1, 2, & 3 repealed by 29 Vict., 5) ...	"
1 V. c. 90 ... To amend the Laws relative to Offences punishable by Transportation for Life. (Repealed, except s. 5, by 29 Vict., 5) ...	"
1 V. c. 91 ... For abolishing the Punishment of Death in certain Cases ...	"
1 & 2 V. c. 74. To facilitate the Recovery of Possession of Tenements after due Determination of the Tenancy ...	7 V. 13.
1 & 2 V. c. 77. For permitting Affirmation to be made instead of an Oath in certain cases ...	"
1 & 2 V. c. 105. To remove Doubts as to Validity of certain Oaths ...	"
1 & 2 V. c. 110. } Judgments, Decrees, and Orders ... 3 & 4 V. c. 82. }	31 V. 8.
2 & 3 V. c. 11. For the better Protection of Purchasers against Judgments, Crown Debts, <i>Lis Pendens</i> and <i>Fiats</i> in Bankruptcy ...	"
2 & 3 V. c. 54. To amend the Law relating to the Custody of Infants...	7 V. 13.
2 & 3 V. c. 60. Extending the provision of 1 W. iv., c. 57, for facilitating the Payment of Debts out of Real Estate ...	"

IMPERIAL ACTS.		ADOPTED BY
5 & 6 V. c. 39.	To amend the Law relating to Advances <i>bonâ fide</i> made to Agents intrusted with goods (s. 6 repealed by 29 Vict., 5, s. 5) ... ..	7 V. 13.
5 & 6 V. c. 69.	For perpetuating Testimony in certain cases ... ..	"
6 & 7 V. c. 96.	Law of Libel ... ..	10 V. 8.
7 & 8 V. c. 62.	To amend the Law as to Burning Farm Buildings ... ..	12 V. 21.
8 & 9 V. c. 106.	To amend the Law of Real Property ... ..	"
8 & 9 V. c. 119.	To facilitate the Conveyance of Real Property ... ..	"
8 & 9 V. c. 124.	As to granting certain Leases ... ..	"
9 & 10 V. c. 62.	To abolish Deodands ... ..	"
9 & 10 V. c. 93.	Compensation for Death through Negligence ... ..	"
10 & 11 V. c. 82.	Juvenile Offenders... ..	"
17 & 18 V. c. 113.	Amending Law relating to Administrations (amended by 34 Vict., No. 1) ... ..	31 V. 8.
18 & 19 V. c. 15.	Protection of Purchasers against Judgments, &c. (Repealed in part, see 34 Vict., 21, 1871) ... ..	"
18 & 19 V. c. 111.	To amend Laws relating to Bills of Lading ... ..	20 V. 7.
19 & 20 V. c. 97.	An Act to amend the Laws of England and Ireland affecting Trade and Commerce. (Amended by 59 Vict., Nos. 23 and 41) ... ..	31 V. 8.
21 & 22 V. c. 93.	An Act to enable Persons to establish Legitimacy and the Validity of Marriages, and the right to be deemed natural born Subjects ... ..	"
22 & 23 V. c. 35.	An Act to further amend the Law of Property, and to relieve Trustees ... ..	"
23 & 24 V. c. 38.	An Act to further amend the Law of Property ... ..	"
23 & 24 V. c. 145.	An Act to give to Trustees, Mortgagees, and others certain Powers now commonly inserted in Settlements, Mortgages, and Wills ... ..	"
24 & 25 V. c. 94.	An Act to consolidate and amend the Statute Law of England and Ireland relating to Accessories to, and abettors of, Indictable Offences ... ..	29 V. 5.
24 & 25 V. c. 96.	An Act to consolidate and amend the Statute Law of England and Ireland relating to Larceny and other similar Offences. (Amended by 55 Vict., No. 32) ... ..	"
24 & 25 V. c. 97.	An Act to consolidate and amend the Statute Law of England and Ireland relating to malicious Injuries to Property ... ..	"
24 & 25 V. c. 98.	An Act to consolidate and amend the Statute Law of England and Ireland relating to Indictable Offences by Forgery ... ..	"
24 & 25 V. c. 99.	An Act to consolidate and amend the Statute Law of the United Kingdom against Offences relating to the Coin ... ..	"
24 & 25 V. c. 100.	An Act to consolidate and amend the Statute Law of England and Ireland relating to Offences against the Person (except ss. 3, 11, 48). (Amended by 55 Vict., No. 24) ... ..	"

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IMPERIAL ACTS.	ADOPTED BY
33 & 34 V. c. 23.	An Act to abolish Forfeitures for Treason and Felony, } and to otherwise amend the Law relating thereto } 37 V. 8.
	Masters and Apprentices—all the Laws in force in } England on 1st January, 1873, relating to ... } 37 V. 12.
48 & 49 V. c. 60.	Federal Council of Australasia ... .. 49 V. 24.

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